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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE LOS ANGELES, CALIF., AREA—Part 1

HEARINGS BEFORE THE COMMITTEE ON UN-AMERICAN ACTIVITIES HOUSE OF REPRESENTATIVES EIGHTY-FOURTH CONGRESS FIRST SESSION

JUNE 27 AND 28, 1955

Printed for the use of the Committee on Un-American Activities

(INDEX IN PART 4 OF THIS SERIES)



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COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American Activities.

(2) The Committee on Un-American Activities, as a whole, or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

RULES ADOPTED BY THE 84TH CONGRESS

House Resolution 5, January 5, 1955

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress, the following standing committees:

* * * * *

(q) Committee on Un-American Activities, to consist of nine members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

17. Committee on Un-American Activities.

(a) Un-American Activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time, investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE LOS ANGELES, CALIF., AREA—PART 1

MONDAY, JUNE 27, 1955

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Los Angeles, Calif.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met at 9:50 a. m., pursuant to call, in room 518, Federal Building, Los Angeles, Calif., Hon. Clyde Doyle (chairman of the subcommittee) presiding.

Committee members present: Representatives Clyde Doyle (chairman), Morgan M. Moulder, Donald L. Jackson, and Gordon H. Scherer.

Staff members present: Frank S. Tavenner, counsel, and William A. Wheeler, investigator.

Mr. DOYLE. The subcommittee will please be in order.

I have a statement I wish to read, a copy of which has been furnished to the press. Let the record show that the Honorable Francis E. Walter, chairman of the Committee on Un-American Activities, House of Representatives, pursuant to provisions of Public Law 601, 79th Congress, establishing this committee, duly appointed Representatives Morgan M. Moulder, of Missouri, on my right; Donald L. Jackson, of Los Angeles County, Calif., who is first on my left; next is Gordon H. Scherer, of Ohio, who is on my extreme left; and myself, Clyde Doyle, of Los Angeles County, Calif., as a subcommittee, with myself as subcommittee chairman, to conduct these hearings.

The full subcommittee is present.

The Committee on Un-American Activities is one of the standing committees of the House of Representatives and is composed of only nine members. Each member of this committee is also a member of one other major congressional committee. Since the workload of this committee is so constant and heavy, it has been found necessary to divide the committee into subcommittees when the work undertaken is away from Washington, D. C. The Congress of the United States has imposed upon this committee by Public Law 601 the duty of investigation of the extent, character, and objects of un-American propaganda activities in the United States, the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or is of a domestic origin, and which attacks the

principle of the form of government as guaranteed by the United States Constitution, together with all other questions in relation thereto, which would aid the United States Congress in establishing necessary remedial legislation on the subject.

In the discharge of this duty of this subcommittee in this current hearing, the committee proposes to make further inquiry regarding Communist Party activities emanating from this and other areas which may be calculated to advance the Communist conspiracy and to extend its influence and power.

Preliminary investigation by our staff has indicated Communist Party membership of certain individuals occupying administrative or policymaking positions in certain organizations.

It is the purpose of this subcommittee to inquire as to the possible existence of a Communist Party plan or conspiracy to place its members in such important positions, the objectives sought to be obtained and the extent of such practices.

It is also the purpose of the committee to inquire as to the extent, character, and objectives of the Communist Party activity in Los Angeles County during periods and at places not fully covered by previous testimony heretofore taken by this committee in Los Angeles.

The information obtained at this hearing should better enable the United States Congress to legislate more ably and comprehensively on the subject of communism and any other subversive activity.

The committee has devoted much time in the past few years to the investigation of the subject of communism and has endeavored to keep Congress well informed of the extent, character, and objectives of the Communist conspiracy within our great Nation as an aid to establishing remedial legislation to meet the problem.

In the performance of this huge task, the House Un-American Activities Committee in its reports to Congress has made 48 recommendations for new legislation or for the strengthening of existing legislation designed to aid in the fighting against the Communist subversive conspiracy. All but 4 of these 48 recommendations heretofore and already made by the House Un-American Activities Committee have already been enacted into law in one form or another.

The committee wants it understood that in the conduct of this hearing from now until Friday it is not interested in any dispute between management and labor or between one labor union and another labor union. Neither is it interested in the internal affairs of any labor union.

It proposes, however, to investigate to the full limit of its ability and resources and jurisdiction Communist Party activities of any person as to whom reliable information is in our possession, and which indicates Communist Party affiliation and activity by that individual or by that group of individuals, whether that be in the field of labor or in any other field, and regardless of who the person or group of persons may be.

This is our bounden duty under Public Law 601. It is the standing rule of this committee that in the event testimony or evidence is adduced in the course of the committee hearings disclosing Communist Party membership on the part of any individual, that individual if he desires shall be afforded an early opportunity to appear before this

committee under oath for the purpose of denying or explaining any such testimony offered.

This is part of the American way of doing right and seeing justice done. If such a person desires during these hearings, he should communicate promptly with a member of the committee staff.

I desire to make it clear that the fact that a lawyer appears before this committee as legal counsel for a witness should not in any way be taken as any disparagement against that lawyer for so doing. The committee always invites legal counsel to be present with the witness. However, for the benefit of counsel who have not heretofore appeared before this committee, may I state there is a limitation on the privilege that legal counsel has before this committee. This limitation has been found to be necessary in actual practice.

The committee is not a court of law and it does not follow strictly the rules of court procedure. The presence of counsel is permitted and encouraged for the purpose of advising the witness as to his constitutional rights. Counsel is not permitted to make oral arguments or to address the committee. We want the witness' testimony and not that of the lawyer. Therefore, we have the right to expect and I know every ethical member of the bar will observe this rule, to confine his advice to his client to matters involving the client's constitutional rights and not to endeavor to put testimony in the mouth of the witness.

I would remind those present in this hearing room that we are here at the direction of the Congress of the United States to discharge an important function of our Federal Government, that has been assigned to this committee under Public Law 601, 79th Congress. You are here, and we are glad you are, by permission and by invitation of this committee. I trust you will conduct yourselves always as guests of this committee. A disturbance of any kind or any audible comment or display during the course of testimony, whether favorable or unfavorable to any witness or to the committee, will not be tolerated. For any infraction of this necessary rule the offender will be immediately removed from the room and may not be allowed to return.

I trust it is necessary only to call this matter to your attention that it will not be necessary to have to repeat it.

There will be no television under the rules of the House as interpreted by our distinguished speaker, Sam Rayburn. There will be no radio from this room, there will be no mechanical recording during the taking of the testimony for public use. The only photographs that may be permitted under the rules shall be taken by the press or others as still shots and they must be taken either before or after a witness testifies.

I am sure the press will understand that we will cooperate with them and they will with us in every possible way.

VOICE FROM THE FLOOR. Why is the Columbia Broadcasting System taking the tape over here?

MR. DOYLE. You heard my announcement. The Columbia Broadcasting System is not broadcasting from this room.

VOICE FROM THE FLOOR. They are taking the tape down.

MR. DOYLE. There has been no testimony yet, has there, sir?

VOICE FROM THE FLOOR. I just asked the question.

MR. DOYLE. We would prefer not to be interrupted. We made a rule and it will be abided by. The recording being made is being made

for the benefit of the committee by the Armed Forces. Is that understood?

I might state because the law allows the witness a fee for testifying before this committee under subpoena, any witness desiring that fee may promptly go, after his testimony is over, to the clerk at the left, and she will make arrangements so that eventually you will get your fee.

I might state that to my right is Mr. Tavenner from Washington, D. C., our legal counsel of our committee for several years. At his left is Mr. Wheeler, of California, our chief investigator in the West.

Are you ready to proceed, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

I would like to call as the first witness Mr. Paul Wright Orr. Will Mr. Orr come forward, please?

Mr. DOYLE. Mr. Orr, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ORR. I do.

Mr. DOYLE. Please be seated.

TESTIMONY OF PAUL WRIGHT ORR, ACCOMPANIED BY COUNSEL, A. L. WIRIN

Mr. TAVENNER. State your name, please, sir.

Mr. ORR. Paul Wright Orr.

Mr. TAVENNER. When and where were you born, Mr. Orr?

(The witness conferred with his counsel.)

Mr. ORR. May I ask why that is necessary?

Mr. DOYLE. You are directed to answer the question, Witness. It is a foundation question for the purpose of identity and other legal purposes, which I think your counsel surely recognizes as an appropriate question.

Mr. WIRIN. Counsel does not recognize it as an appropriate question.

Mr. DOYLE. Just a minute.

Mr. WIRIN. If you make observations about me I insist on the right to reply. If you make personal observations about me and my opinion I want the turn to state my opinion. May I?

Mr. DOYLE. You have heard the rules of the committee read.

Mr. WIRIN. I have, and I am thoroughly familiar with them.

Mr. DOYLE. Don't begin to make a speech, please. Let's have a common understanding.

Witness, we believe it is an appropriate question to ask. You are instructed to answer the question.

(The witness conferred with his counsel.)

Mr. ORR. Born in Walnut, Kans., January 22, 1904.

Mr. TAVENNER. Where do you now reside?

(The witness conferred with his counsel.)

Mr. ORR. 2312 Glenrose Avenue, Altadena.

Mr. TAVENNER. Will you tell the committee, please, what your informal educational training has been?

(The witness conferred with his counsel.)

Mr. ORR. Do you want college education?

Mr. TAVENNER. Yes.

Mr. ORR. I have my B. A. from Stanford.

Mr. TAVENNER. When did you receive your B. A. degree?

(The witness conferred with his counsel.)

Mr. ORR. 1925. And my master's from Columbia.

Mr. TAVENNER. When did you receive your master's?

Mr. ORR. 1928.

Mr. TAVENNER. I failed to have counsel identify himself for the the record. Will you please do so now?

Mr. WIRIN. My name is A. L. Wirin. I am an attorney of Los Angeles.

Mr. TAVENNER. What is your profession, Mr. Orr, or your occupation?

(The witness conferred with his counsel.)

Mr. ORR. I am the supervisor of a biology stockroom.

Mr. TAVENNER. Where?

(The witness conferred with his counsel.)

Mr. ORR. It doesn't seem to me that has any bearing on legislation.

Mr. SCHERER. I ask that you direct the witness to answer the question, Mr. Chairman.

Mr. WIRIN. He has not yet completed his answer. May we have just a moment?

Mr. DOYLE. Yes, Mr. Wirin.

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer on the ground that it isn't a pertinent question.

Mr. SCHERER. I renew my request that the witness be directed to answer the question.

Mr. DOYLE. I direct you to answer that question. We believe it is pertinent and germane.

(The witness conferred with his counsel.)

Mr. ORR. Under coercion of the committee, I state that I am working at the California Institute of Technology.

Mr. TAVENNER. How long have you been employed there?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer on the ground that the question isn't pertinent.

Mr. SCHERER. I ask that you direct the witness to answer the question.

Mr. DOYLE. We believe it is pertinent, Witness, and we instruct you to answer.

(The witness conferred with his counsel.)

Mr. ORR. Under coercion of the committee I will reply.

Mr. DOYLE. May I state, Witness, you are not under coercion. I make that clear.

Mr. WIRIN. I am advising him that he is.

Mr. DOYLE. I am not talking to you, Mr. Wirin.

Mr. WIRIN. But I am here, Mr. Doyle.

Mr. JACKSON. I would suggest he not be here much longer if he interrupts the committee in its operations. I think we have been eminently fair to you, Mr. Wirin. Certainly I shall make every effort to be courteous but you know very well the rules of this committee so far as addressing remarks to the committee is concerned. I think it is a reasonable request and one that is easy to meet. You will receive, certainly, from the hands of the committee every courtesy which you

yourself extend to the committee. I shall certainly move in case of any additional outburst that counsel be——

Mr. WIRIN. There has been no outburst. Please don't exaggerate.

Mr. JACKSON. Exaggeration in most instances usually comes from that side.

Mr. WIRIN. May we proceed?

Mr. JACKSON. As far as coercion is concerned, he has and should know he has every right to decline to answer upon legal grounds. No coercion is being brought against him to answer. He is under no compulsion to answer. He can decline to answer and state why. That is to make the record clear, to make it clear to anyone who is not versed in the tactics we meet with so that everyone will understand that no coercion is employed by this committee to make a witness answer any question.

(The witness conferred with his counsel.)

Mr. SCHIERER. Mr. Chairman, I think the record should show also, which it does not disclose up to this point, that following every question asked by counsel so far in the examination of this witness, he has conferred at length with counsel.

Mr. WIRIN. May I ask if that is improper?

Mr. JACKSON. You may not ask if it is improper as far as I am concerned. Your client may ask.

Mr. ORR. I ask if that is really proper.

Mr. JACKSON. You may consult for any reasonable length, but I think the gentleman is quite right in saying it is at undue length so far as the question of when and where the witness was born is concerned. That scarcely takes 5 minutes to decide whether it is incriminating to answer or not.

Mr. SCHIERER. I did not say it was improper. The cold record fails to disclose the lengthy conversations between counsel and witness. All I want the record to show is that he has had ample opportunity, not only ample opportunity, but a longer time than is necessary, to consult with counsel to answer the simple questions asked him.

Mr. DOYLE. You are directed to answer the question previously asked you.

Mr. ORR. I still think I am under coercion from the committee.

Mr. DOYLE. You are directed to answer the question previously asked. Manifestly, you are not under coercion of any kind.

Mr. ORR. Would you read the question, please.

Mr. TAVENNER. How long have you been employed in your present position?

(The witness conferred with his counsel.)

Mr. ORR. A little over 2 years.

Mr. SCHIERER. I would like the record to show it has taken the witness 2 seconds to answer this question after conversing with counsel for that period.

Mr. DOYLE. The record will show.

Are you ready, Mr. Witness, to answer?

Mr. ORR. I answered it. A little over 2 years.

Mr. DOYLE. Thank you.

Mr. TAVENNER. What was your employment prior to your employment at California Institute of Technology?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question on the basis that it violates my rights under the first and fifth amendments of the United States Constitution.

Mr. DOYLE. You are instructed to answer the question, Witness.
(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that on the grounds that I mentioned previously.

Mr. DOYLE. You understand my direction and instruction, do you, Witness, that you are instructed and directed to answer that question?
(The witness conferred with his counsel.)

Mr. ORR. I stand on my rights as guaranteed by the United States Constitution.

Mr. DOYLE. Proceed.

Mr. TAVENNER. How long have you lived in Los Angeles or its immediate vicinity?

(The witness conferred with his counsel.)

Mr. ORR. In the neighborhood of 4 years.

Mr. TAVENNER. Does that mean 4 consecutive years?

(The witness conferred with his counsel.)

Mr. ORR. Four years at the present period and 6 years altogether.

Mr. TAVENNER. You have lived here, then, continuously from approximately 1951 to the present time, and then you lived in Los Angeles approximately 2 years at some earlier date?

Mr. ORR. That is correct.

Mr. TAVENNER. What was that earlier date?

(The witness conferred with his counsel.)

Mr. ORR. It was in the late thirties.

Mr. TAVENNER. Can you be more definite as to what years in the late thirties?

(The witness conferred with his counsel.)

Mr. ORR. Approximately the summer of 1938, for 2 years.

Mr. TAVENNER. Where did you then reside?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question on the basis of the first and fifth amendments.

Mr. SCHERER. Mr. Chairman, may I ask a question?

Mr. DOYLE. Mr. Scherer.

Mr. SCHERER. Do you feel that or do you claim that to answer the question as to your residence at that time would tend to incriminate you?

(The witness conferred with his counsel.)

Mr. ORR. I feel that it might tend to incriminate me and I therefore stand on the first and supplemented by the fifth amendment.

Mr. DOYLE. I direct you to answer that question. It is very reasonable and very pertinent and proper, we believe.

(The witness conferred with his counsel.)

Mr. DOYLE. Let me make it clear I am directing you to answer the question.

Mr. ORR. I refuse to answer that question based on the first and fifth amendments.

Mr. DOYLE. Again I direct you to answer that question. I want the record to show there is no misunderstanding on your part, that you are directed to answer that question.

(The witness conferred with his counsel.)

Mr. ORR. I have already indicated my answer.

Mr. TAVENNER. How were you employed in Los Angeles during the period from the summer of 1938 for the next 2 years?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that on the basis of my rights under the first and fifth amendments.

Mr. DOYLE. I direct you to answer the question.

Mr. SCHERER. May I ask a question?

Mr. DOYLE. Yes.

(The witness conferred with his counsel.)

Mr. WIRIN. What is the situation?

Mr. TAVENNER. You gave a direction to the witness to answer and I do not believe he has complied.

Mr. ORR. I refuse under my right under the first and fifth amendments.

Mr. TAVENNER. Did you have a question, Mr. Scherer.

Mr. SCHERER. What was the last question?

Mr. TAVENNER. My question was in substance this: What was your employment during the period you were in Los Angeles for 2 years beginning in the midsummer of 1938.

Mr. SCHERER. Do you feel, witness, to answer such a question relative to your employment might tend to incriminate you?

(The witness conferred with his counsel.)

Mr. ORR. I wish to make it clear that—

(The witness conferred with his counsel.)

Mr. ORR. Yes, I feel that it might tend to. I feel that the fifth amendment also protects the innocent as well.

Mr. SCHERER. Now was this employment in itself an employment of an illegal nature?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question on the ground of the fifth amendment.

Mr. SCHERER. It wasn't an employment prohibited by law, was it?

(The witness conferred with his counsel.)

Mr. ORR. I think that is just the same question and I refuse to answer that.

Mr. DOYLE. I direct you once more to answer the question, Mr. Witness, so there will be no misunderstanding of what the fact is.

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that on the basis of my rights under the first and fifth amendments.

Mr. TAVENNER. Where did you reside between 1940 and 1941 when you returned to Los Angeles?

(The witness conferred with his counsel.)

Mr. ORR. I consider that question not pertinent and I refuse to answer it on the mentioned grounds.

Mr. SCHERER. I ask that you direct the witness to answer.

Mr. DOYLE. Witness, you claimed a legal residence, we fail to see how it is anything less than pertinent. You are instructed to answer the question.

(The witness conferred with his counsel.)

Mr. SCHERER. Or how it could possibly incriminate him.

Mr. WIRIN. May I confer with my client without remarks from the committee so I can hear everything going on?

Mr. SCHERER. The record should show the witness has conferred at length anywhere from 10 to 20 seconds.

Mr. WIRIN. Am I being prohibited from consulting with my client?

Mr. SCHERER. I have a right to show in the record which will not show unless I call it to the attention of the record, the length of consultation after each question.

Mr. WIRIN. I want to earn my fee as much as I can.

(The witness conferred with his counsel.)

Mr. ORR. It still seems to me that this line of questioning is not pertinent and I refuse on the basis of the first and fifth amendments.

Mr. DOYLE. Again, so there will be no misunderstanding in the record, I direct you to answer that question as manifestly in our judgment it is a pertinent and very reasonable and a proper question.

Mr. SCHERER. May I add because it is the committee's opinion that he is not properly invoking the fifth amendment, because we cannot possibly see how where he resided would incriminate him or tend to incriminate him.

(The witness conferred with his counsel.)

Mr. SCHERER. We feel if he does that—it is my feeling at least—he would subject himself to contempt.

Mr. ORR. I still stand on my rights under the United States Constitution, the first and fifth amendments.

Mr. TAVENNER. Mr. ORR, did you reside in the city of San Francisco prior to your coming to Los Angeles in the latter 1930's?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer on the basis that it is not pertinent and on the basis of my rights under the first and fifth amendments.

Mr. JACKSON. Mr. Chairman, I am not satisfied that this is a proper use of the fifth amendment. I want the record to show that I also ask that the witness be instructed to answer.

Mr. SCHERER. And that it is the feeling of the committee he would be guilty of contempt if he refuse to answer the question.

Mr. DOYLE. May I ask the record show that the witness claimed his privilege in answer to the last question after consultation with his distinguished counsel.

Now I direct you to answer that question, Witness.

(The witness conferred with his counsel.)

Mr. ORR. I refuse that also, on the basis of my rights under the United States Constitution, first and fifth.

Mr. TAVENNER. When did you first come to the State of California?

(The witness conferred with his counsel.)

Mr. ORR. I also refuse to answer that question on the basis of pertinency and my rights.

Mr. JACKSON. Mr. Chairman, that is quite obviously a question that is proper and within the purview of the committee. It could not conceivably be incriminating to give the date of his arrival in the State of California. As an individual member of the committee I am not satisfied that this is a proper use of the fifth amendment, and I ask that the witness be instructed to answer the question.

Mr. DOYLE. I wish to say I agree with you, I think it is a very improper use, ridiculous claim of privilege in my judgment. I direct you to answer that question, Witness.

(The witness conferred with his counsel.)

Mr. WIRIN. I have advised him that he may exercise the privilege. You are casting reflection upon me.

Mr. DOYLE. No reflection on you. You stated you want to earn your fee as far as possible and we understand that. That is all right. It is no reflection on counsel. I intended no reflection on any legal counsel that ethically appears before the committee, but you have heard the observations of the individual members of the committee and I want to suggest, Mr. Wirin, again, that when you made that statement we believe it is a violation of the committee's rules. I am a lawyer, as you know, and I want to extend every courtesy, but please don't make a record that appears in violation of the committee rules, because I will have to manifest my authority in the committee.

Do you understand that you were directed to answer the simple question of when you first came to California? How in the world could it possibly incriminate you to tell the United States Congress when you first came to California?

(The witness conferred with his counsel.)

Mr. MOULDER. It is true, Mr. Chairman, it has been the policy of the committee that the reporter at all times makes a notation of consultation with counsel without reference by any member of the committee to that fact.

Mr. DOYLE. That is right.

Mr. WIRIN. May I ask—I don't want to confer with him while you are talking. If you are through talking, I will confer with him, if that is legitimate.

(The witness conferred with his counsel.)

Mr. ORR. I consider that not a pertinent question and that it might tend to incriminate me, and therefore I take my stand on the first and fifth amendments.

Mr. TAVENNER. Did you return to the State of California immediately after the receipt of your degree at Columbia University? I believe it was in 1928?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that on the ground that it isn't pertinent to any legislation and also based on my rights previously mentioned.

Mr. SCHERER. I ask that the witness be directed to answer the question and again state that in my opinion it is not an improper question.

Mr. DOYLE. I direct you to answer that last question, Witness.

(The witness conferred with his counsel.)

Mr. ORR. Again I have stated my position.

Mr. DOYLE. I think the record should show for the information of the witness, who manifestly doesn't need it, because he is being advised by legal counsel as to his rights, but the position of the committee is that it is incumbent and proper upon us as a committee to make clear to the witness that he is directed to answer the question. That we believe an answer to the question is essential so that if later we wish to proceed on the basis of his refusal, if he does refuse, it can be made to appear in the record as coming after he has been expressly directed to answer the question.

We do that for two reasons: First in fairness to the witness so that he will understand the position of this committee of Congress that we believe it is a pertinent and a proper question.

Along with that is the fact that we believe it is necessary and proper to do so that if we desire to cite any witness who appears before us for contempt of Congress, that it will appear clearly in the record that the witness understands that he is directed and expected by the committee to answer that question. So that it is in justice to the witness and in accordance with law as we understand it, that the witness understands clearly that he is expected to answer that question.

Mr. SCHERER. May I make one additional observation?

Mr. DOYLE. Yes, Mr. Scherer.

Mr. SCHERER. You direct the witness to answer also because it is the feeling of the committee that he is improperly invoking the use of the fifth amendment, and that in doing so he might subject himself to possible contempt.

Mr. DOYLE. Thank you for adding that, Mr. Scherer.

I might state this: that on occasions in the course of some hearings we believe that some witnesses have not only improperly claimed the constitutional privilege, but have used it in a frivolous manner, deliberately to obstruct the purpose of a congressional hearing.

Mr. JACKSON. May I ask a question?

Mr. DOYLE. Yes, Mr. Jackson.

Mr. JACKSON. It is understood by the committee generally that in all instances where the witness has been directed to answer that the reason for that direction was the unwillingness of the committee to accept the witness' claim of the privilege of the self-incrimination clause of the fifth amendment?

Mr. SCHERER. Yes.

Mr. DOYLE. I certainly so understand it. Do you understand, Mr. Moulder, that is the reason he is directed?

Mr. MOULDER. I will concur with the statements made by Mr. Jackson, by yourself, and by Mr. Scherer. However, what has been stated here should not be considered as in the spirit of a threat or coercion upon the witness. It is purely made in advising him and advising him for his own protection.

Mr. JACKSON. And has been made necessary by recent findings and the committee is simply carrying out the directions spelled out in detail by the Supreme Court.

Mr. DOYLE. That is correct.

Proceed, Mr. Tavenner.

Mr. TAVENNER. I have before me, Mr. Orr, a photostatic copy of the July 19, 1932, issue of Soviet Russia Today. I find reported there an article entitled "National Minorities in the U. S. S. R. and the United States," by Paul Orr. I would like to read one paragraph from that article appearing over the name of Paul Orr.

In the Soviet Union no worker is regarded as an alien. Foreign-born workers employed there become citizens with full rights. The Soviet Union is not a melting pot. It is a union of nations and races rich in cultural diversities and customs. The 183 nationalities in the U. S. S. R. are bound together by a union impossible in a capitalist country. The Soviet Union has become the hope and the inspiration of all subject races and colonial peoples, the fatherland of the exploited and oppressed of all the world.

Mr. WIRIN. May we see the document, Mr. Tavenner?

Mr. TAVENNER. I am going to hand it to him.

(Document handed to witness.)

Mr. TAVENNER. Will you examine the document and the paragraph which will be pointed out to you which I have just read and state whether or not that paragraph was composed by you?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question on the basis of the first and fifth amendments, first and supplemented by the fifth amendment.

Mr. DOYLE. I instruct you to answer the question, Witness.

(The witness conferred with his counsel.)

Mr. ORR. I stand—

Mr. DOYLE. I withdraw that direction for the time.

Proceed, Mr. Tavenner.

Mr. TAVENNER. The author of this paragraph contained in the article over the name of Paul Orr to which I have referred, indicates some special knowledge of conditions in the Soviet Union.

Were you ever in the Soviet Union?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question on the previously mentioned grounds.

Mr. TAVENNER. Have you ever traveled abroad?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question on the same basis that I mentioned previously.

Mr. SCHERER. I ask that you direct the witness to answer the question as to whether he has ever traveled abroad.

Mr. DOYLE. I direct you to answer the question whether or not you have ever traveled abroad.

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that on the basis of the first and then supplemented by the fifth amendment.

Mr. WIRIN. Mr. Chairman, can you hear me when I whisper to him?

Mr. SCHERER. I can.

Mr. WIRIN. You are in our camp so it is all right.

Mr. SCHERER. I have been looking this way, Counsel, but I can still hear you.

Mr. WIRIN. Is my voice being amplified sufficiently?

Mr. SCHERER. Not amplified.

Mr. TAVENNER. It has been indicated to me from something said behind me that possibly your remarks to the client may be heard on the recording system. I merely suggest to you that you take that into consideration.

Mr. WIRIN. Thank you, Mr. Tavenner.

Mr. TAVENNER. I desire to offer the photostatic copy of the article from Soviet Russia today in evidence and ask that it be marked for identification only as "Orr Exhibit No. 1."

Mr. DOYLE. May I have the year of that, the date?

Mr. TAVENNER. July 19, 1932.

Mr. DOYLE. It will be so received.

Mr. MOULDER. Mr. Chairman.

Mr. DOYLE. Mr. Moulder.

Mr. MOULDER. Mr. Tavenner, what publication was that?

Mr. TAVENNER. Soviet Russia Today.

Mr. MOULDER. What book or publication did it appear in?

Mr. TAVENNER. It is a magazine.

Mr. MOULDER. There is a publication by that name?

Mr. TAVENNER. Yes.

Mr. MOULDER. Is it still published?

Mr. TAVENNER. It has been until recently. I don't know whether it is right at this minute or not.

I have before me the September 1932 issue of Soviet Russia Today, or at least a photostatic copy of page 16. There I note the following:

San Francisco, 1179 Market Street: Comrade Paul Orr reports that the FSU has its ramifications in 14 towns and cities including 1 shop branch in San Francisco. Work of the FSU there has its ups and downs but a definite upward swing is expected soon. Formation of branches as well as the activities proper will take on definite shape and will bring more and better results as the sentiment against war and for recognition of the Soviet Union is growing not alone among the workers, but among the farmers of California as well.

I hand you the document and ask you whether or not the report referred to and recited there was made by you.

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer this on the basis that I have mentioned previously.

Mr. TAVENNER. What is meant by the initials "FSU"?

Mr. ORR. I refuse to answer that?

Mr. TAVENNER. Isn't it Friends of the Soviet Union?

Mr. ORR. I stated that I refuse to answer that question.

Mr. TAVENNER. Were you officially connected with the Friends of the Soviet Union in 1932?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that on the grounds I have mentioned previously.

Mr. TAVENNER. Are you now connected or affiliated in any way, with the Friends of the Soviet Union?

(The witness conferred with his counsel.)

Mr. ORR. That also I refuse to answer on the mentioned grounds.

Mr. TAVENNER. I desire to have the document marked for identification only as "Orr Exhibit No. 2."

Mr. DOYLE. It will be so received.

Mr. TAVENNER. I have before me a photostatic copy of page 13 of the January 1933 issue of Soviet Russia Today in which I find the paragraph stating or entitled "Here and There With the FSU—Northern California." The article proceeds to discuss activities within the Friends of the Soviet Union and in the article in this paragraph:

Paul Orr, district organizer of the San Francisco District, states "The FSU of this district can point with pride to many achievements during the past year. Many new locals have been organized, sections have been established and thousands of workers have been reached by the FSU and brought closer to their friendship for the Soviet Union. The district organization has been of the utmost importance in knitting together the various branches and the activity of the FSU."

All of which is in quotations. Will you examine it, please.

(Document handed to witness.)

(The witness conferred with his counsel.)

Mr. TAVENNER. Will you tell the committee whether or not the article appearing there correctly reports your report of activities within the Friends of the Soviet Union?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question on the basis that it is not pertinent to any legislation and that also it is more than 22 years old and that it involves matters of opinion which violates my rights under the first amendment and also supplemented with the fifth amendment.

Mr. SCHIERER. May I ask a question?

Mr. DOYLE. Yes.

Mr. SCHIERER. Were you ever a district organizer of the FSU as referred to in the magazine article?

(The witness conferred with his counsel.)

Mr. ORR. I was asked that specific question by Mr. Tavenner and I have already stated my opinion, my answer to that.

Mr. SCHIERER. Were you ever a district organizer of the Communist Party?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question on the grounds that I have previously mentioned.

Mr. SCHIERER. I have one more question.

Is the information read to you by Mr. Tavenner from Soviet Russia Today, true or false as it refers to you?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question on the basis I have mentioned previously.

Mr. SCHIERER. You don't deny what it said then in that article as the truth, do you?

Mr. ORR. I think that is simply a repetition of the same question which I have already answered.

Mr. SCHIERER. Do you refuse to answer that last question?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that on the grounds that I mentioned previously.

Mr. TAVENNER. I desire that the document be marked for identification only as "ORR Exhibit No. 3."

Mr. DOYLE. It will be so received and so marked.

Mr. TAVENNER. Mr. Orr, during the period from 1932 to the time you came to Los Angeles around the year 1938, were you engaged in any activity for the Communist Party in the city of San Francisco?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question on the basis of my rights under the first amendment and supplemented by the fifth.

Mr. TAVENNER. Were you engaged in any such activities in Richmond, which is an area, I think, across the bay from San Francisco?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question on the grounds that I have previously stated.

Mr. TAVENNER. I have before me a photostatic copy of the Western Worker, the heading of which is "Western Worker, Western Organ of the Communist Party, USA, Section of the Communist International," bearing date of September 3, 1934. Are you familiar with that publication?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. TAVENNER. In the issue referred to there is an article entitled "Gallagher Poll Will Beat 200,000. Huge Protest of Terror Sweeps

Entire State. 101,000 Los Angeles Vote for Gallagher. Richmond Doubles Communist Vote."

I quote one paragraph from the article but before doing so I will describe the article as an analysis of the Communist Party vote in various parts of the State of California during that year.

In one paragraph we find:

In Richmond, William Prater polled 1,038 for public administrator out of 32,000 votes cast. Paul Orr running for supervisor in the first district got 835 votes, which has doubled any previous Communist vote.

Did you participate in that election as a Communist Party candidate for the board of supervisors as indicated by that article?

(Document handed to witness.)

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. TAVENNER. You were living in Richmond at that time, were you not, in September 1934?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. TAVENNER. I desire to have the document marked for identification only as "Orr Exhibit No. 4."

Mr. DOYLE. Witness, in answer to Mr. Tavenner's question whether or not you lived in Richmond, Calif., in 1934, I direct you to answer that question.

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question on the basis of my rights under the first and fifth amendments.

Mr. DOYLE. That last exhibit will be received and marked as requested.

Mr. TAVENNER. Mr. Orr, I hand you a photostatic copy of an affidavit of registration made in Los Angeles on July 21, 1938, which is in the nature of a request for a transfer from San Francisco County to Los Angeles in which the ninth question appearing in the affidavit is:

I intend to affiliate at the ensuing primary election with the Communist Party.

Will you examine that document, please, and state whether or not you sought a transfer from San Francisco to Los Angeles and identified yourself as intending to support the Communist Party?

(Document handed to witness.)

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. MOULDER. Mr. Chairman.

Mr. DOYLE. Mr. Moulder.

Mr. MOULDER. Can you tell us what that document is, Mr. Orr?

(The witness conferred with his counsel.)

Mr. ORR. I wish to say I think the document speaks for itself and I have nothing further to say on that.

Mr. WIRIN. You may look at it, Mr. Congressman. Will you show it to the Congressman?

Mr. MOULDER. You refuse to answer the question?

Mr. ORR. I refuse.

Mr. SCHERER. Mr. Chairman, I ask that you direct the witness to answer Mr. Moulder's question.

Mr. DOYLE. I direct you to answer that question propounded by Congressman Moulder, Mr. Witness.

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question on the basis of my rights under the first and fifth amendments.

Mr. MOULDER. I can see what it appears to be, but I want to hand the document to the witness and ask him to read it and testify, for the record, what it appears to be on the basis of the face of that document.

(Document handed to witness.)

Mr. WIRIN. May I have the question read?

Mr. DOYLE. Please read the question, Mr. Reporter.

(The reporter read from his notes as requested.)

Mr. WIRIN. To read the document?

Mr. DOYLE. He asked the witness to read it.

(The witness conferred with his counsel.)

Mr. SCHERER. You meant out loud, did you not?

Mr. MOULDER. I am asking the witness to read for the record what appears on the face of that document.

(The witness conferred with his counsel.)

Mr. ORR. I have read this myself first, and I see no reason—it seems to me it is quite evident the nature of it and I see no reason for reading it aloud.

Mr. MOULDER. I move the witness be directed to read the document as requested.

Mr. DOYLE. Did you hear Mr. Moulder's request, that you be directed to read that aloud?

(The witness conferred with his counsel.)

Mr. ORR. Frankly, I do not care to read it aloud.

Mr. DOYLE. I am directing you to answer the question and read the document out loud for the purpose of the record.

Mr. WIRIN. I don't know how to advise my client on this.

Mr. JACKSON. He can decline.

Mr. WIRIN. He has.

Mr. JACKSON. On what basis?

Mr. WIRIN. He doesn't want to read it out loud. He is not here to read.

Mr. JACKSON. What is the reason for declining to answer? What legal reason is being given for declining to comply with the request?

Mr. WIRIN. On the fifth amendment, he said.

Mr. JACKSON. Are you declining to read the document upon the grounds of the first and fifth amendments?

Mr. ORR. That is correct.

Mr. WIRIN. May we proceed, then?

Mr. SCHERER. I want to know how can he possibly incriminate himself, by reading a document that is in evidence, out loud?

Mr. WIRIN. Couldn't the chairman read it, or counsel?

Mr. DOYLE. Mr. Wirin, please.

Mr. SCHERER. I just say that it is an improper use of the fifth amendment.

Mr. DOYLE. Proceed.

Mr. SCHERER. I certainly do not accept that answer.

Mr. TAVENNER. I desire to offer the document in evidence.

Mr. DOYLE. Just a minute. Witness, you understand you were directed to read the document out loud?

Mr. WIRIN. May I read it for him?

Mr. DOYLE. No, indeed. You know, Mr. Wirin, he is able to read. He can write.

Mr. SCHERER. He has a master's degree.

Mr. DOYLE. A master's degree from the university and is in physical condition.

Mr. WIRIN. I read better than he does.

Mr. DOYLE. I directed you to read that out loud, Witness, so we will have the record straight and then we will proceed.

(The witness conferred with his counsel.)

Mr. ORR. Do I understand that I am possibly incriminating myself by reading this?

Mr. JACKSON. The only thing that would indicate that you might incriminate yourself by reading it was your own reliance on the fifth amendment. You declined to read it, taking your stand upon the provisions of the fifth amendment. You say that it might tend to incriminate you if you read it. I don't think the committee has made any such statement.

Mr. MOULDER. And your reading it doesn't constitute an admission in any respect.

Mr. WIRIN. With that understanding I will advise him he may read it.

(The witness conferred with his counsel.)

Mr. WIRIN. It may take some time. Do you want everything read on it?

Mr. DOYLE. Mr. Wirin, have him read the document. That means the document. It doesn't mean half the document or less than all of it.

Mr. WIRIN. If you have time for it, we have.

Mr. ORR. You understand I do it under coercion.

Mr. DOYLE. We are not coercing you at all.

Mr. WIRIN. Don't read it then.

Mr. JACKSON. As the situation stands now, the witness refuses to read the document upon the basis of the first and fifth amendments. I am not willing to accept that as a legal use of the fifth amendment and I want the record to show it very clearly, and I ask that the witness again be directed to read the document.

Mr. MOULDER. I understand he refuses to read it because he is under coercion. That is the last reason given.

Mr. JACKSON. I think it should be clear in the record he has said previously he would not read it because—

Mr. WIRIN. The witness will read the document.

Mr. ORR (reading):

Statement of transfer or change of name. I last registered under the name of—and it is written here "New."

I last registered at and removed from San Francisco County.

And that is marked "canceled."

I hereby authorize the cancellation of said registration—

Opposite side is Los Angeles City precinct No. 1159.

It says "Original" at the top. "O. K." is above the word "original."
[Reading:]

State of California, county of Los Angeles. Affidavit of Registration. The undersigned affiant being duly sworn says I will be at least 21 years of age at

the time of the next succeeding election, a citizen of the United States 90 days prior thereto, and a resident of the State 1 year, of the county 90 days, and of the precinct 40 days next preceding such election, and will be an elector of this county at the next succeeding election.

Line 1. I have not registered from any other precinct in the State since January 1, 1936.

Then the name is Paul Orr. Then in small type it says:

If applicant has so previously registered, mark out the word "not" and fill out the appropriate blanks at the top of the affidavit.

Line 2. My name is Paul Orr—

then under that—

My full name is Paul Orr (including Christian or given name and middle name or initial, and in the case of women, the prefix Miss or Mrs.).

My residence is 988½ Everett Street. Name of street or road (if remote from both, then give section, township or range): Sunset and end of street.

Post-office address: 988½ Everett Street.

Fourth: My occupation is secretary.

Fifth: My height is 5 feet 6½ inches. I was born in Kansas.

It says if a native born citizen you need not answer question No. 7. That isn't answered.

No. 8—No. 7: I acquired citizenship by—

and then it is:

(a) decree of court, citizenship of father. (b) Father's naturalization; mother's naturalization. (c) Citizenship of father. (d) Marriage to a citizen prior to September 22, 1922. (e) Naturalization of my husband prior to September 22, 1922. (f) Act of Congress. (g) By treaty.

And then next is "when" and there is a blank left there. And what my father's, mother's, husband's name is or was and to be filled out when citizenship depends on citizenship of naturalization of parent or husband.

No. 8: I can read the Constitution in the English language; I can write my name; I am entitled to vote by reason of having been on October 10, 1911. (a) an elector. (b) More than 60 years of age.

Under that—

I can mark my ballot by reason of—

and it says—

state physical disability, if any.

No. 9. I intend to affiliate at the ensuing primary election with the Communist Party. If affiliation is not given, write or stamp, "Declines to state."

This says—

Canceled by transfer to 1159, W. M. Kerr, registrant of voters. By Jacobson, 9-11-39, Deputy Registrar.

I can't make out the name. H. Enfiagian, I think it is.

Then my name:

Paul Orr, 988½ Everett Street. Sworn to before me this 21st day of July. W. M. Kerr, registrar of voters, 1938. Deputy registrar of voters, Margaret Reis. B 268698—

and two "O. K.'s".

Mr. DOYLE. Thank you for doing that.

Mr. MOULDER. Is there a signature appearing there? You did not read the signature?

Mr. ORR. I refuse to answer that question.

Mr. JACKSON. I think the record should show there is a signature appearing there, that it is Paul Orr, and that the registration, party registration, is Communist.

Mr. WIRIN. The document shows it. I don't think the record shows it.

Mr. JACKSON. Very well. I will ask this: Were you a member of the Communist Party at the time this registration was executed?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. JACKSON. The document shows him to have been registered as a member of the Communist Party.

Mr. MOULDER. May I ask one question?

Mr. DOYLE. Yes.

Mr. MOULDER. You examined the document which you have just read and you have examined the signature appearing on the document, haven't you, Mr. Orr?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. MOULDER. The question was merely: Did you see a signature appearing on the document which you have just read.

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. JACKSON. Mr. Chairman, quite obviously the refusal to answer the question as to whether or not he saw a signature appearing on a form which he has just read at great length is an improper use of the fifth amendment. I am not satisfied myself that it is proper use and I ask that the witness be directed to answer the question.

Mr. DOYLE. I direct you, Witness, to answer the question Mr. Moulder asked you about the signature.

Mr. WIRIN. May I confer with my client?

Mr. DOYLE. Always.

Mr. WIRIN. I thought there was some objection.

Mr. DOYLE. No.

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question on both the first and the fifth amendments.

Mr. JACKSON. Mr. Chairman, I ask that the witness again be directed to answer the question and that it be made abundantly clear in the record that the subcommittee is not satisfied that this is a valid and proper use of the fifth amendment and that the witness be made aware of the objections of the subcommittee to his use and reliance on the fifth amendment in refusing to answer that question.

Mr. DOYLE. Witness, you have just heard the observation and statement made by Congressman Jackson. I now direct you again to answer that question asked by Mr. Moulder.

(The witness conferred with his counsel.)

Mr. ORR. The United States Constitution gives me the right to base my refusal on the first and the fifth amendments, my protection.

Mr. DOYLE. Do you base your refusal to answer that question on the Constitution of the United States, the first and fifth amendments?

Mr. ORR. I have.

Mr. DOYLE. I didn't hear you so base it. I heard you just state that the Constitution gives you that right. Do you exercise that right?

Mr. ORR. I exercise that right under the Constitution.

Mr. MOULDER. Mr. Chairman, may I ask that the document referred to in the testimony be resubmitted to the witness and call his attention to a signature and ask him whether or not a signature does appear upon the document.

Mr. DOYLE. Wait until he is through conferring with counsel.

Mr. WIRIN. Is something being said?

Mr. MOULDER. I will strike that question and resubmit it.

Mr. ORR, you now hold in your hands a document you read a few moments ago, is that so?

Mr. ORR. Yes, I did.

Mr. MOULDER. Now, looking at that document, do you see a signature appearing upon it?

(The witness conferred with his counsel.)

Mr. ORR. I have looked at the document and again I say I refuse to answer that question based on my rights under the first and fifth amendments.

Mr. MOULDER. That is all.

Mr. DOYLE. Proceed.

Mr. TAVENNER. Is the signature of Paul Orr on that document your signature?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Orr Exhibit No. 5", and that it be incorporated in the transcript of the record.

Mr. DOYLE. It will be so received and so marked.

(The exhibit referred to is as follows:)

ORR EXHIBIT No. 5

STATEMENT OF TRANSFER (SEE INVOICE OF NAME)
I last registered under the name of New

I last registered at and removed from
No. San Francisco Precinct Canceled

I hereby authorize the cancellation of said registration Los Angeles City Precinct No. 1159

STATE OF CALIFORNIA } SS. **AFFIDAVIT OF REGISTRATION.**
COUNTY OF LOS ANGELES.

The undersigned affiant, being duly sworn, says: I will be at least twenty-one years of age at the time of the next succeeding election, a citizen of the United States ninety days prior thereto, and a resident of the State for year, of the County ninety days, and of the Precinct forty days next preceding such election, and will be an elector of this County at the next succeeding election.

1. I have not registered in any other precinct in the State since January 1, 1936.
(If applicant has previously registered, make out the word "and" and fill out the appropriate blanks at the top of the affidavit.)

2. My full name is Paul Lee Jackson

3. My residence is 1159 Sunset Blvd. Los Angeles, Cal.
Side
between Sunset and 11th Streets. Floor, Room, 2

Post-office address at 200 11th St. Los Angeles, Cal.

4. My occupation is Communist

5. My height is 5 feet 6 1/2 inches

6. I was born in China
(State or Country)
(If a co. be born citizen, or a child not shown, attach a No. 1)

7. I acquired citizenship by a Birth
(Under the method of acquiring citizenship)
a. Father's naturalization
b. Mother's naturalization
c. Citizenship of father
d. No change in citizenship prior to September 8, 1922
e. Declaration of my husband prior to October 3, 1922
f. Act of Congress By statute

8. I intend to affiliate at the ensuing primary election with the Communist Party
(If affiliation is not given, write or check "No Affiliation")

9. I intend to affiliate at the ensuing primary election with the Communist Party
(If affiliation is not given, write or check "No Affiliation")

10. I can read the Constitution in the English language. I can write my name. I am entitled to vote by reason of having been on (October 10, 1911) an elector
a. An elector
b. More than sixty years of age

I can mark my ballot by reason of OK
(State required disability, if any)

Subscribed and sworn to before me this 11th day of July 1938
W. M. KERR, Registrar of Voters.

By Margaret Lee
Deputy Registrar of Voters.

Approved by OK

Mr. JACKSON. Mr. Chairman, may I state for the record that at the time of that registration, the Communist Party was a legal party on the ballot, that there was no legal onus attached to it, and that membership in the party or registration in the party was not an offense under the laws of the State of California or of the United States.

Mr. TAVENNER. Mr. Orr, Exhibit No. 5, constituting a transfer from San Francisco to Los Angeles for purposes of qualifying to vote, which appears to have been done in 1938, indicates that you must have come to Los Angeles at least prior to the date of that document, which is July 21, 1938.

Did you appear in Los Angeles prior to July 21, 1938?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. TAVENNER. In addition to transferring your voting rights did you also transfer your Communist Party membership from San Francisco to Los Angeles at about the same time?

(The witness conferred with his counsel.)

M. ORR. I refuse to answer that question.

Mr. TAVENNER. Mr. Chairman, I would like to incorporate into the record at this point the testimony of Mr. William Kimple, taken in executive session in April of this year, insofar as it relates to this witness.

Mr. DOYLE. Executive session of this committee?

Mr. TAVENNER. Yes, sir. Mr. Kimple was an employee of the police department of the city of Los Angeles and was placed in the Communist Party by the police department of the city of Los Angeles, where he continued to work for a number of years and according to his testimony became assistant membership director of the Communist Party in Los Angeles. His testimony insofar as it refers to this witness is as follows:

Paul Orr, party name Daniel Boone, 2157 South Spring Street, care of the IWO, Los Angeles, Calif. He is a member of the Communist Party in Los Angeles having transferred to Los Angeles from the San Francisco area. This information came from the 1938 Communist Party transfer. I know this man to be a member of the Communist Party from having seen his Communist Party membership records and from having had Communist Party mail communications with him in regard to the Friends of the Soviet Union organization.

The witness was asked this question:

Did you ever meet him personally in a Communist Party meeting?

To which Mr. Kimple replied:

No; I have met his wife but not him.

Question:

Is his wife's name Violet Orr?

His reply:

His wife is Violet Orr.

I don't propose to ask you any question regarding your wife, but I do want to ask you whether or not you communicated at any time with Mr. Kimple regarding the business of the Friends of the Soviet Union.

(The witness conferred with his counsel.)

Mr. ORR. From what you have just said, Mr. Kimple is a paid informer and I do not care to dignify a reply to that and I base my reply on the basis of my rights under the first and the fifth amendments of the Constitution.

Mr. SCHERER. Let me ask you a question. Didn't your counsel tell you to give the answer that you gave, namely—

Mr. WIRIN. I object to that.

Mr. SCHERER. Wait a minute. You keep quiet. Didn't your counsel repeat in your ear just now the exact words that you uttered to this committee, namely—

Mr. WIRIN. Are you eavesdropping? Are you listening in on my conversation with him?

Mr. SCHERER. Will you keep quiet?

Mr. WIRIN. I resent it.

Mr. JACKSON. It was audible.

Mr. WIRIN. You ought not admit you heard it.

Mr. JACKSON. You ought not as an ethical attorney in violation of the rules of the committee put words in the mouth of the witness.

Mr. WIRIN. I have a right to advise him.

Mr. JACKSON. But not to coach him.

Mr. WIRIN. I shall continue to do so.

Mr. JACKSON. Your remaining in the room will be of very short duration with the permission of the chairman, if there is any more coaching of the witness.

Mr. WIRIN. I will advise him.

Mr. JACKSON. You are by no means indispensable.

Mr. WIRIN. I am not intimidated by any threat to put me out.

Mr. JACKSON. I am not threatening you. I have no authority to do so, but I am confident the chairman will insure that the rules of the committee are enforced.

Mr. SCHERER. Isn't it a fact your counsel just now told you the exact words of the answer that you gave?

Mr. WIRIN. May I speak to him without your listening in?

Mr. JACKSON. If you will modulate your tone a little bit it won't carry.

Mr. WIRIN. I will go into the corner and talk to my client privately.

Mr. SCHERER. Counsel, in my opinion you are guilty of contempt.

Mr. DOYLE. Mr. Wirin, will you be seated please?

Mr. WIRIN. May I speak to my client where I am not being overheard? Haven't I the right to do it?

Mr. DOYLE. We don't want to overhear you, but if you talk so loud I can't help it.

Mr. WIRIN. Alert ears were listening to what I said.

Mr. SCHERER. I want the record to show a few minutes ago, earlier in this proceeding, I advised counsel that I could hear what he was saying, that we advised him he was speaking so loudly it was recorded on the recording machine, and it is obvious from his conduct he has been putting words into the witness' mouth all through this testimony.

(The witness conferred with his counsel.)

Mr. WIRIN. I ask that be stricken from the record.

Mr. DOYLE. Just to refresh the memory of all of us as to what I as subcommittee chairman read as this hearing started, here is the exact wording that I read——

Mr. WIRIN. I am familiar with them.

Mr. DOYLE. Let me reread them so there will be no further misunderstanding.

We want the witness' testimony and not that of the lawyer and we have the right to expect an ethical member of the bar to confine his advice to his client to matters involving his constitutional rights and not to put words in the mouth of the witness.

Mr. WIRIN. Is someone suggesting I am not an ethical member of the bar?

Mr. DOYLE. We didn't so suggest, but I am rereading what I read as this hearing commenced, that under our rules we cannot permit any lawyer before this committee to put words in the mouth of the witness.

You have a perfect right under our rules of procedure to advise him of his constitutional rights, but it is not proper for you or any lawyer to testify before this committee through the mouth of his client. That we believe is a reasonable rule and we will appreciate it if there is no further misunderstanding.

Mr. WIRIN. I have tried to do my duty as a member of the bar, as an ethical member of the bar, and I think I have done so. I must say to you, Mr. Doyle, that I resent a member of this committee listening in to what I am saying and then making use of it. I think that is seriously unethical.

Mr. DOYLE. Mr. Wirin, may I repeat that unfortunately you spoke so loudly to your client that we could all hear it and that is not our fault.

Mr. WIRIN. It is supposed to be in confidence.

Mr. DOYLE. I know it is in confidence but if it appears to be a violation of the rules of the committee you can expect us certainly to speak up and that is what Mr. Scherer did, was to speak up that it appeared to him there was a violation of the rules of the committee.

Mr. WIRIN. May I proceed now?

Mr. DOYLE. Let's do.

Mr. SCHERER. He has not answered my question.

Mr. WIRIN. May we have the question read?

Mr. DOYLE. Yes; please read the question.

Mr. WIRIN. And just the question and not observations made by me.

Mr. DOYLE. I instructed the reporter to read the question.

Mr. SCHERER. Let's get this record straight. I first withdraw my question and I will now ask the reporter to read Mr. Orr's answer to Mr. Tavenner's question relative to the testimony of Mr. Kimple. Let's go back.

Mr. DOYLE. We will take a 5-minute recess.

(Brief recess.)

Mr. DOYLE. May the committee reconvene, please.

The committee will be in order, please.

Let the record show after this 10-minute recess that the full subcommittee is present with the exception of Mr. Scherer. A legal quorum of the subcommittee is here. Mr. Scherer is necessarily answering a long-distance phone and will be here again in just a minute or two.

Mr. TAVENNER. Mr. Orr, at the time that you came to Los Angeles in 1938, did you engage in organizational work for the IWO?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question on the grounds that I gave earlier in my testimony.

Mr. TAVENNER. Did you affiliate with the Communist Party in the city of Los Angeles in 1938?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. TAVENNER. I have before me an issue of the People's World of June 14, 1944, which shows "A book review of our history in true colors." The review, it is said, is made by Paul Orr.

I also have before me the June 21, 1944, issue of the People's World from which it appears that a book review of Teheran Blueprints Postwar Necessities was made by Paul Orr, and a third issue, that

of July 26, 1944, of the People's World, which carries an additional book review.

Will you examine these three photostatic copies——

Mr. ORR. I don't think it is necessary. I think it is a waste of time. I refuse to answer the question.

Mr. TAVENNER. Will you examine these three copies, please, and tell the committee whether or not you had arrangements with the People's World by which you would write reviews for it?

(The witness conferred with his counsel.)

Mr. WIRN. Do you want us to examine the parts that are in red pencil?

Mr. TAVENNER. Mr. Wheeler, will you point out the particular articles that are involved?

Mr. ORR. I have examined them and I refuse to answer your question.

Mr. TAVENNER. Did you have any official position of any character or any business relationship with the Daily People's World here in Los Angeles?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. MOULDER. Mr. Orr, do you know of any person other than yourself whose name is Paul Orr?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. TAVENNER. I desire that the documents presented to the witness be marked for identification only as "Orr Exhibits 6, 7, and 8."

Mr. DOYLE. They will be so received and so marked.

Mr. WIRN. May I ask you, that does not mean we are offering the exhibits, they are really the committee's exhibits in connection with Orr; is that the idea?

Mr. TAVENNER. Mr. Orr, I have before me a photostatic copy of page 4 of the September 19, 1944, issue of the People's World and in there I find an article entitled "Communists Elect Officers." Then a subtitle: "Oleta Yates Named President of the S. F. County Association."

The article is datelined San Francisco, September 18:

Officers elected for the ensuing year at yesterday's county convention of the Communist Political Association are: President, Oleta O'Connor Yates; vice presidents, Rudie Lambert and John Pittman; secretary-treasurer, Clemmie Barry; county committee, including officers above, Charlotte Callahan, June Stevenson, Jack Patton, Henry Massey, Violet Orr, Ray Irvine, Archie Brown (on leave to the Armed Forces), Ann Stout, Virginia Lindbergh, Ernest Lavino, Herbert Resner, Jackie McNeil, Tom Boylan, Walter Stack, Paul Orr.

Will you examine this document, please, and state whether or not in September 1944 or shortly prior thereto you were elected a member of the county committee of the Communist Party as announced in that article?

Mr. ORR. I don't particularly care to examine it, but if you insist, I will.

Mr. TAVENNER. Yes, sir; I insist.

(Document handed to witness; witness conferred with his counsel.)

Mr. ORR. I refuse to answer.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Orr Exhibit No. 9" for identification only.

Mr. DOYLE. It will be so received and so marked.
(Representative Scherer entered the hearing room.)

Mr. TAVENNER. I have before me a photostatic copy of the Communist Political Association Club officers bulletin issued by the State committee of the Communist Political Association of California, the issue of July 1944. On page 5 there is an article entitled "Browder Book Campaign, Experiences and Responses," by Paul Orr.

In the article there is bracketed off by solid lines advice to chapters of the Communist Party which I desire to read.

Your club chapter.—All Communist clubs throughout the Nation are receiving charters certifying that they are legally constituted clubs of the Communist Political Association. Be proud of your charter. It is a symbol of the fact that your club is part of the great Communist movement in our country, contributing its energies and talents to the winning of the war and the building of a democratic, peaceful world. Your charter is a lasting and important document. It should be handled accordingly. We suggest that you frame your charter, using a glass face and a board backing, and see that the charter is on display at all club meetings.

Will you state whether or not that material which I read and enclosed by solid lines in an article over your name is advice given by you to Communist Party clubs?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. TAVENNER. Will you examine the article appearing over your name and state whether or not you made that contribution to the Communist Political Association bulletin?

(The witness conferred with his counsel.)

Mr. ORR. I have looked at the document and I refuse to answer that question.

Mr. TAVENNER. I desire to have the document marked for identification only as "Orr Exhibit No. 10."

Mr. DOYLE. It will be so received and so marked.

Mr. TAVENNER. Were you living in San Francisco in 1944?

Mr. ORR. I refuse to answer that question.

Mr. DOYLE. I direct the witness to answer that question. I don't see how it can incriminate you to tell whether or not you were living in San Francisco.

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question on the basis of my rights under the first and the fifth amendments.

Mr. TAVENNER. I have before me a photostatic copy of page 5, December 4, 1945, issue of the Daily World. This paper carries an article entitled "Book Talk—Foster Writes New Labor Pamphlet, by Bernice Carey." In the course of the article reference is made to the International Bookstore in San Francisco and says that this bookstore has evolved a plan whereby one can get pamphlets such as on the strike situation, "While they are still hot off the griddle."

And then I quote from the article:

By sending \$2 to Paul Orr, the International Bookstore, 1400 Market Street, San Francisco 2, Calif., you become entitled to have new pamphlets mailed to you the moment they come in until your investment is used up.

Will you examine the document, please, and state what your connection was with the International Bookstore in San Francisco in 1945 if any?

(Document handed to witness; witness conferred with his counsel.)

Mr. ORR. I have examined the document and I refuse to answer.

Mr. TAVENNER. I desire to have the document marked for identification only as "Orr Exhibit No. 11."

Mr. DOYLE. It will be so received and so marked.

Mr. TAVENNER. I have before me a photostatic copy of page 4 of the April 29, 1946 issue of the Daily World. I find here an article entitled "World Sub Drive," referring of course to a subscription drive for the Daily World paper, subtitled "Sam Kutnick Leads County, 288 Months of Readers, by Violet Orr, San Francisco Communist Party Press Director."

It is datelined San Francisco, April 28. It begins by stating that the county committee of the Communist Party here has set a goal of 365 new readers each month as their part in the statewide party drive to double the circulation of the Daily People's World in 1947.

Further in the article reference is made to the accomplishment of various individuals in the selling of subscriptions to the Daily People's World. Among them is the name of Paul Orr, of North Beach No. 1.

When I said Beach, the actual spelling of the last word is "Neach," which I assume to be a misprint. It actually reads North Neach No. 1, 18, meaning 18 subscriptions.

Will you examine that article appearing over the name of Violet Orr and state whether or not you were correctly reported as having sold 18 subscriptions to the Daily People's World from North Beach No. 1?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer the question.

Mr. TAVENNER. I request that the article be filed for identification only and be marked "Orr Exhibit No. 12."

Mr. DOYLE. It will be so received and marked.

Mr. TAVENNER. Were you a member of the North Beach No. 1 club or section of the Communist Party?

(The witness conferred with his counsel.)

Mr. ORR. That question too I refuse to answer.

Mr. MOULDER. The witness should state his reasons for refusing to answer, for the record.

Mr. ORR. Based, as I mentioned previously, on my rights under the United States Constitution, the first amendment and supplemented by the fifth amendment.

Mr. TAVENNER. Will you tell the committee, please whether or not you have been identified with the Communist Party since you have been in Los Angeles for the last 4 years, over the last 4-year period?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. DOYLE. On what grounds?

Mr. ORR. The same grounds I previously stated.

Mr. TAVENNER. Are you a member of the Communist Party now?

(The witness conferred with his counsel.)

Mr. ORR. I think I answered that one before.

Mr. JACKSON. Will you please answer it again?

Mr. ORR. I refuse to answer that question.

Mr. DOYLE. On what grounds, please?

Mr. ORR. On the grounds of my rights under the American Constitution, the first amendment and the fifth amendment.

Mr. TAVENNER. Have you been a member of the Communist Party at any time since your employment in 1951 in Los Angeles?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. DOYLE. On what grounds?

Mr. ORR. On the grounds that I have my rights under the first amendment and the fifth amendment to the United States Constitution.

Mr. TAVENNER. Do you have any knowledge of Communist Party activities within any organization other than the Communist Party itself?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question on the same grounds I have mentioned previously.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that on the grounds that I have mentioned previously.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. DOYLE. Mr. Moulder?

Mr. MOULDER. First I want to say to the witness, every witness appearing before this committee has the right to claim the privilege under the Constitution. Whether or not that privilege is being claimed in good faith or properly so is a question to be determined. However, I would like to ask you 2 or 3 questions as I think any witness should have the opportunity to clear himself on the question which I intend to propound to you, such as this.

You refused to answer the question as to whether or not you are now or have ever been a member of the Communist Party. I want to ask you: Have you ever been a member of any subversive organization?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that on the same grounds I have mentioned previously.

Mr. MOULDER. Have you ever to your own personal knowledge committed any act of espionage or any act of disloyalty to your native country, the United States of America?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question on the basis of my rights under the first and fifth amendments.

Mr. MOULDER. Do you have any personal knowledge of any organization or the activity of any organization or persons engaged in subversive activities or acts of disloyalty to the United States?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that on the same basis that I mentioned in my previous answer.

Mr. MOULDER. Do you have any knowledge or information concerning espionage or acts of disloyalty or subversive activities against the best interests of the United States in which you yourself would not be incriminating yourself to answer the question or to give that information?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that on the same grounds as the previous question.

Mr. MOULDER. That is all.

Mr. JACKSON. Mr. Orr, I think at the outset of your testimony you were asked as to your present employment and I believe your answer was that you were in charge of the biological laboratory; is that correct?

(The witness conferred with his counsel.)

Mr. ORR. I stated that I was the biology stockroom supervisor.

Mr. JACKSON. What are your duties in that capacity, Mr. Orr?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that on the grounds that I don't think it is pertinent.

Mr. JACKSON. Mr. Chairman, the committee has abundant evidence that indicates beyond any question of a doubt that in some of the universities, institutions of higher education, in this country there have been very well-organized cells of the Communist Party.

Mr. DOYLE. That is true.

Mr. JACKSON. We are taking testimony today in an area that could conceivably be—I don't say it is, but it could be of considerable importance so far as the defense of the United States is concerned. For that reason I think the question is pertinent and I ask that the witness be directed to answer as to the specific nature of his duties in the biologic stockroom.

Mr. DOYLE. I agree with Mr. Jackson and I instruct the witness to answer the question.

(The witness conferred with his counsel.)

Mr. ORR. Under coercion I will state—

Mr. DOYLE. May I interrupt to this extent: There is no coercion. I want the record to show there is no evidence of any coercion.

Mr. WIRIN. He means under orders of the committee.

Mr. DOYLE. All right, with that understanding, if that is his interpretation of coercion, my direction.

Mr. WIRIN. I apologize. I used the word "coercion."

Mr. DOYLE. Proceed, Witness.

Mr. ORR. I have charge of the stockroom so I have to keep up the necessary glassware and other necessary apparatus that is necessary for a stockroom.

Mr. JACKSON. Do your duties also extend to prepared biologics and pharmaceuticals and things of that sort?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. DOYLE. I instruct the witness to answer that question, and, Witness, having testified that you are a supervisor of a biological stockroom and it wouldn't incriminate you apparently to give that employment, why don't you proceed to tell us the nature of your duties without taking so much of the time of yourself and all of us to tell it.

(The witness conferred with his counsel.)

Mr. WIRIN. May we have the question read?

Mr. JACKSON. Are your duties of such a nature or does the stock over which you exercise control include biologics, biological preparations, pharmaceuticals? In other words, are the things which are used in that area at Cal-Tech and under your control in the nature of the things I have described?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. JACKSON. Mr. Chairman, I think we are getting into the crux of an important matter. We are confronted by a witness who declines to answer whether he is today a member of the Communist Party. He is employed in a capacity which might very well be a sensitive one. For that reason I think the question is well within the jurisdiction of the committee to ask and I believe it should be answered and I ask that the Chair direct the witness to answer.

Mr. DOYLE. I direct you very clearly and emphatically, Witness, to answer that question. How in the world your employment as a biology stockroom supervisor at Cal-Tech could incriminate you I can't see. I assume unless unbeknown to the California Technical Institute at Pasadena something illegal is going on. I direct you to answer the question.

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer on the basis of the first and fifth amendments.

Mr. SCHERER. I think Congressman Jackson's question becomes more important when we realize this witness in response to Mr. Moulder's question refused to state to this committee whether or not he has ever been engaged in any espionage or acts of disloyalty against the United States.

Mr. JACKSON. Mr. Chairman, I am not trying to direct this question into any spectacular channels, but I think the committee has a right to know just exactly what the witness does and what work is performed under his direction, to what extent he is responsible for the issuance of biologics, or other preparations which may conceivably be going into classified projects of the United States Government at Cal-Tech. Are there such projects, Mr. Orr, and do you know whether or not Cal-Tech is performing any classified projects for the United States Government?

(The witness conferred with his counsel.)

Mr. DOYLE. I think Mr. Jackson, as a matter of public knowledge the United States Government has contracts with the California Technical Institute at Pasadena.

Mr. JACKSON. Do you know, sir, whether that is the case?

(The witness conferred with his counsel.)

Mr. DOYLE. That is my last information.

Mr. ORR. I refuse to answer that question on the basis of the first and fifth amendments.

Mr. JACKSON. Mr. Chairman, if the witness has knowledge whether or not the California Institute of Technology is engaged upon any classified work for the Federal Government, an honest answer to the question could not conceivably tend to incriminate him in a criminal action, and therefore I ask that the witness be directed to answer.

Mr. DOYLE. I direct you to answer that question.

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that on the basis of my rights under the first and fifth amendments.

Mr. JACKSON. Have you ever discussed your work in the biologic laboratory or stockroom with any person known to you to be a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question on the basis of my rights under the first and fifth amendments.

Mr. JACKSON. No further questions.

Mr. DOYLE. Is your biological work for the California Institute of Technology unclassified work so far as the United States Government is concerned?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. DOYLE. Do you have any supervision of your department by any person superior to you in the employ of California Technical Institute?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. DOYLE. You understand my question. Is there anyone over you superior to you on the faculty of California Technical Institute from whom you take orders?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. DOYLE. Are you the head of that department of which you stated you are the supervisor? You stated you were supervisor, Witness. I am asking you if that is the top level of supervision of the biological stockroom.

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. DOYLE. I instruct you to answer that question.

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question on the basis of my rights under the first and fifth amendments.

Mr. JACKSON. In what area did you take your master's degree? What is your profession specifically?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. JACKSON. I ask that the witness be directed to answer the question as to what his profession is. It is a matter of public record, no doubt. I don't think we have it. Do we have his exact—

Mr. TAVENNER. No, sir.

Mr. JACKSON. The committee does not have it but it is a matter of public record and I ask that the witness be instructed to answer the question.

Mr. DOYLE. I instruct you to answer the question.

Mr. ORR. I refuse to answer the question on the basis of my rights under the first and fifth amendments.

Mr. SCHERER. We should say for the record we are not accepting his invoking of the fifth amendment because we feel it is an improper use of the fifth amendment and is not used by him in good faith. After that statement, Mr. Chairman, may I respectfully ask that you again direct the witness to answer Mr. Jackson's questions.

Mr. DOYLE. I will as soon as the witness and counsel—

Mr. WIRIN. May I have a second?

Mr. DOYLE. Yes indeed. Go ahead.

(The witness conferred with his counsel.)

Mr. DOYLE. Did you hear Congressman Scherer's statement made just before you and counsel conferred?

Mr. JACKSON. The pending question, what is your profession?

Mr. ORR. I refuse to answer that question on the grounds mentioned. I want to state that these statements are made in all good faith.

Mr. DOYLE. By whom?

Mr. ORR. By myself.

Mr. JACKSON. To get this absolutely straight, you are telling the committee that to give us your profession would tend to incriminate you in a criminal action?

(The witness conferred with his counsel.)

Mr. ORR. In view of the type of prosecutions recently I do take that stand even though the United States Constitution grants it for both—the United States Constitution, the first and fifth amendments, protect anyone.

Mr. JACKSON. Protect you from giving your profession before a body exercising its proper jurisdiction under the laws of the country?

(The witness conferred with his counsel.)

Mr. ORR. I am using the fifth amendment because it protects both the innocent and the guilty.

Mr. JACKSON. Mr. Chairman, I want to say for the record I for one do not accept the answer as being a legal use of the fifth amendment and I believe the witness is in contempt of the committee in this regard.

Mr. DOYLE. So do I.

Mr. JACKSON. He should be warned to that effect.

Mr. SCHERER. I concur in Mr. Jackson's feeling.

Mr. DOYLE. I concur in it. Without any doubt of your hearing me I give the opinion of myself and the committee. As chairman I am instructing you again to answer the question.

May I make a brief statement to you, sir. You have testified that you are a supervisor of the biology stockroom at California Institute of Technology, Pasadena, 10 or 12 miles from here. I am on the Armed Services Committee of the House of Representatives. The last I understood, Cal-Tech, your employer, was in contract in certain areas in the United States Government at the military level, dealing with classified and unclassified matters on occasions.

It seems to me clearly within our rights and without abusing or digressing from your constitutional rights to insist on an answer to this question. We don't believe it is in violation of your constitutional privileges. Therefore we are instructing you and I want to say to you frankly that which Mr. Jackson did and I am not doing it to infer your legal counsel hasn't advised you properly as he sees it—may that be understood, but we believe it is not a fair claim of the constitutional privilege for you to refuse to answer. Therefore, I direct you to answer.

(The witness conferred with his counsel.)

Mr. ORR. As an American citizen I believe it does violate my rights and I stand on my rights under the Constitution, first and fifth amendments.

Mr. JACKSON. Are you a chemist, sir?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. DOYLE. I direct you to answer that question.

Mr. ORR. I refuse to answer that question on the basis of my rights under the first and fifth amendments.

Mr. JACKSON. Have you at any time in pursuit of your regular duties at Cal-Tech been involved in any experimental or research work directly or indirectly related to biological warfare?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. DOYLE. I direct you to answer that question.

Mr. ORR. I refuse to answer that question on the basis of my rights under the first and fifth amendments.

Mr. WIRIN. When are you taking a recess? I have an appointment with Senator Cain.

Mr. DOYLE. We may finish in a minute or an hour and a minute. It depends on how long the witness takes to refuse to answer the question.

Mr. WIRIN. May depend on the length and kind of your questions.

Mr. JACKSON. I have no further questions.

Mr. WIRIN. If you are going to conclude we will stay.

Mr. SCHERER. Witness, you will recall that according to the testimony read to you by Mr. Tavenner and according to the testimony given to this committee in executive session, that William Kimple was placed in the Communist Party by the police department of the city of Los Angeles to do what I think is a necessary job to be done for the Government of the United States, and certainly the department is to be congratulated on that move.

William Kimple's testimony was read to you and he told this committee under oath of your connections with the Communist Party.

You called him an informer and a stool pigeon.

Mr. WIRIN. He did not say anything about stool pigeon.

Mr. DOYLE. Mr. Wirin, you remember you are not permitted—

Mr. SCHERER. I am going to ask you whether anything that Officer Kimple told this committee with reference to you was untrue. You have your opportunity now.

Mr. WIRIN. Are you through with the question?

Mr. SCHERER. Yes.

(The witness conferred with his counsel.)

Mr. ORR. If I recall my statements correctly, I did not state he was a stool pigeon, but I do consider him an informer and as such I do not consider it worthwhile to testify regarding that.

Mr. SCHERER. Now I didn't ask you whether you considered it worthwhile to testify. I am asking you now, you have the opportunity to say whether or not anything that this officer said about you and your connections with the Communist Party was untrue.

(The witness conferred with his counsel.)

Mr. ORR. I do not care to take any time to discuss his testimony.

Mr. DOYLE. We are going to take all the time necessary, I might state.

Mr. SCHERER. Mr. Chairman, I ask that you direct the witness to answer my question.

Mr. DOYLE. I so direct you.

Mr. SCHERER. Whether or not anything Kimple said about you and your connection with the Communist Party, or anything else that Kimple said, was untrue.

(The witness conferred with his counsel.)

Mr. WIRIN. Are you through with the question, Mr. Scherer?

Mr. SCHERER. Yes, sir.

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that on the basis of the first and fifth amendments.

Mr. SCHERER. I am tired of these witnesses attacking men who have done a job for the police department and who have done a job for the country.

Mr. WIRIN. A difference of opinion about that.

Mr. SCHERER. You be quiet a minute. I am talking.

Mr. DOYLE. I wish to ask you a couple more questions, Mr. Witness.

In asking this question I only refer to what your duties at Cal-Tech may be which are unclassified duties, and by using the term "unclassified" I refer to unclassified work dealing with the military tests, if any, you make for the United States Government through the contractual relationships between the Government and Cal-Tech. I want to ask you now what your duties are in Cal-Tech in this biological work which you know to be unclassified duties? I again refer to unclassified so far as your knowledge is concerned. I am not asking you to give me any of your duties which are known to you to be classified in connection with your Government. What are your duties at Cal-Tech which come in the classification of unclassified work?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question on the basis of my rights under the first and fifth amendments.

Mr. DOYLE. Are you yourself under contract with the United States Government in performance of any professional services at this time?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. DOYLE. I instruct you to answer that question.

Mr. ORR. I refuse to answer on the basis—

Mr. DOYLE. I fail to see how in the world whether or not you are under contract with the United States Government can incriminate you.

Mr. JACKSON. I concur.

Mr. DOYLE. I think it is a frivolous claim of the first amendment and I think you are clearly in contempt and I say that because I think you and counsel are entitled to know what my opinion is.

I might as well say members of the committee think this is a case where we should follow through and find out whether we are within our legal rights in insisting on answer to that question. I have laid the foundation so you will know how we feel.

Mr. ORR. I refuse to answer on the basis of the first and fifth amendments.

Mr. DOYLE. I have another phase of the first question.

Are you under contract now with the United States Government to do any professional work which is unclassified so far as the work under your contract with the Federal Government is concerned?

Mr. WIRIN. Wasn't that your last question?

Mr. DOYLE. I asked him whether or not he was under any contract. Now I am asking this specific question because it may be that he is under contract to do some classified work. I only apply my question now to unclassified work.

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. DOYLE. Are you under contract of employment directly or indirectly within your knowledge with any segment or department of the military of the United States Government?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. DOYLE. I instruct you to answer that question.

Mr. ORR. I refuse to answer that question on the basis of my rights under the first and fifth amendments.

Mr. DOYLE. You have testified that you were supervisor of the biological stockroom at Cal-Tech Institute, Pasadena. Do you receive your financial compensation from Cal-Tech Institute entirely?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. DOYLE. I instruct you to answer that question. You have testified that you are in the employ of the Cal-Tech Institute. I want to know whether you are wholly employed by Cal-Tech Institute or whether you are compensated in part by some other educational institution or by some firm or individual. How can that incriminate you?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question based on my rights.

Mr. SCHERER. I ask that you direct the witness to answer the question.

Mr. DOYLE. I direct you to answer that question so it will be clearly of record we directed you to answer the question and that you understand you are being so directed.

Mr. ORR. I refuse to answer that question based on my rights under the first and fifth amendments.

Mr. DOYLE. Is your full time, work time, in your profession or occupation given over to Cal-Tech Institute, or are you partially in the employ of some other employer?

Mr. ORR. I refuse to answer that question.

Mr. DOYLE. I direct that you answer that question.

Mr. ORR. I refuse to answer that question based on my rights under the first and fifth amendments.

Mr. DOYLE. Under what direction of Cal-Tech Institute or under whose direction at Cal-Tech Institute, what individual or what board or what committee at Cal-Tech Institute do you take directions as to the extent and nature of your employ for Cal-Tech?

Mr. ORR. I refuse to answer that question.

Mr. DOYLE. I direct you to answer that question.

Mr. ORR. I refuse to answer that question based on my rights under the first and fifth amendments.

Mr. JACKSON. In order that the record may be clear, may the record indicate that in every instance where direction has been given to the witness it has been given by reason of the fact that the subcommittee does not believe that a valid use of the fifth amendment is being employed by the witness.

Mr. DOYLE. I am glad you made that observation, Mr. Jackson, and I want to emphasize so that the record will show, that in every case where I have directed the witness to answer the question, either on my own volition or at the request of a member of the committee, it is because the committee believes that the witness has not claimed the constitutional privilege meritoriously or legally and that is the foundation for my direction of the witness to answer questions.

Any other questions?

Mr. MOULDER. I believe you asked the questions I had in mind with the exception of one.

When you first pursued your duties in the position you now hold, do you recall making an application for the employment?

(The witness conferred with his counsel.)

Mr. MOULDER. Was it a written application?

Mr. ORR. I refuse to answer that question.

Mr. MOULDER. Who first suggested your seeking the present employment or position you now hold?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. JACKSON. On the previous question as to whether or not he filled out an application for employment at Cal-Tech, I ask that the witness be directed to answer that question.

Mr. DOYLE. I direct you to answer that question.

Mr. ORR. I refuse to answer that question based on my right under the first and fifth amendments.

Mr. DOYLE. In making application or contract with Cal-Tech Institute, your employer, you were required to state, were you not, whether or not you ever had been a member of any subversive organization, whether it was the Communist Party or otherwise, isn't that true?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. DOYLE. Of course we can find out whether or not you did it. I think it would be interesting to know, Counsel. I want to repeat Cal-Tech, as far as I know, is under contract with the United States Government.

Prior to your witnessing before this committee today, after you were subpoenaed to appear before this committee, did you confer with any of the heads or controlling persons or boards or committees of Cal-Tech as to what your position as a witness should be before this committee?

I am not asking you to tell me whether or not you conferred with legal counsel. I am asking you to tell me whether or not you conferred with the controlling personnel or committees or boards of Cal-Tech as to whether or not you should claim the first and fifth amendments.

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. DOYLE. Any other questions?

Mr. JACKSON. I have just one. Do you have security clearance from the Government?

(The witness conferred with his counsel.)

Mr. ORR. I refuse to answer that question.

Mr. JACKSON. I ask that the witness be directed to answer whether or not he is cleared for classified work with the United States Government.

Mr. DOYLE. I direct that you answer that question.

Mr. ORR. I refuse to answer that question on the basis of my rights under the first and fifth amendments.

Mr. JACKSON. I have no further questions.

Mr. SCHERER. I have a motion.

Mr. DOYLE. Mr. Moulder?

Mr. MOULDER. No questions.

Mr. DOYLE. Counsel, do you have further questions?

Mr. TAVENNER. No, sir; I have none.

Mr. DOYLE. If there are no further questions to this witness, you are excused. Thank you and counsel.

The committee will recess until 2 o'clock.

(Whereupon, at 12:30 p. m. the committee was recessed, to reconvene at 2 p. m. the same day.)

AFTERNOON SESSION—JUNE 27, 1955

Mr. DOYLE. Will the committee please come to order.

I meant to say just before we recessed for the noon period that the committee very much appreciated all morning the quietness and courtesy extended by every one in the room in their not being any disturbance of any kind, no whispering to bother us, no confusion, and I want the audience here this afternoon to know we very much appreciate your cooperation with the committee and the witnesses, and their legal counsel, and we will appreciate the same sort of cooperation this afternoon from every one in the room.

Mr. Tavenner, this morning there was a remark criticizing paid informers. You will remember Mr. Orr criticized or designated that because someone was a paid informer in his judgment he wouldn't even dignify. I think that was the word he used, by answering.

I happen to have in my briefcase a Washington Post and Times Herald for Friday, June 3, 1955, and I thought it was very appropriate that those in the room here hear what FBI Director J. Edgar Hoover says on the same subject. I will just read for the record this very brief statement:

FBI Director J. Edgar Hoover yesterday described confidential informants in law enforcement work as "helpful citizens and potent weapons in the war against crime and subversion. There can be no doubt that the use of informants in law enforcement is justified," he said. "The public interest and the personal safety of these helpful citizens demands the zealous protection of their confidence. Unlike the totalitarian practice, the informant in America serves of his own free will, fulfilling one of the citizenship obligations of our democratic form of government."

Mr. Hoover further asserted that to abandon use of such informants would be "To invite destruction." Hoover expressed his views in a signed editorial in the FBI's law enforcement bulletin distributed monthly to law enforcement agencies throughout the country. He further said, "The criminal and subversive underworld has long sought to destroy our effective informant system," Hoover wrote. "Nothing could possibly render more aid to the enemy than the premature and unwarranted disclosure of these vital sources of information. Appearance as a witness in a court of law is certainly the most logical time for revealing the identity of an informant."

I thought it appropriate to read that statement into the record here so the folks in the courtroom could hear it. I don't know of any American citizen that ought to be more respected in his opinion than J. Edgar Hoover.

Are you ready to proceed?

Mr. TAVENNER. Yes, sir. I would like to call Mr. Andries Deinum. Will you come forward, please sir.

Mr. DOYLE. Mr. Deinum, will you please raise your right hand and be sworn. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DEINUM. I do.

Mr. DOYLE. Thank you. Be seated, please, Mr. Deinum.

May the record show that on the reconvening of the committee at 2:15 p. m. after the noon recess, three of the subcommittee are present: Messrs. Moulder, Scherer, and Doyle; committee member Jackson is necessarily absent for a few minutes but there is present a legal quorum of the subcommittee, so we will proceed.

TESTIMONY OF ANDRIES DEINUM, ACCOMPANIED BY COUNSEL, ROBERT KENNY

Mr. TAVENNER. Mr. Deinum, will you state your name, please.

Mr. DEINUM. Andries Deinum. A-n-d-r-i-e-s D-e-i-n-u-m.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Would counsel please identify himself for the record.

Mr. KENNY. Robert Kenny, Los Angeles.

Mr. TAVENNER. When and where were you born?

Mr. DEINUM. I was born in 1918 in the Province of Friesland, in the Netherlands.

Mr. TAVENNER. Will you spell the place of your birth?

Mr. DEINUM. Name of my home town is Workum; name of the province is Friesland; name of the country is the Netherlands.

Mr. TAVENNER. When did you first come to the United States?

Mr. DEINUM. In 1938.

Mr. TAVENNER. Are you a naturalized American citizen?

Mr. DEINUM. I am.

Mr. TAVENNER. When and where were you naturalized?

Mr. DEINUM. Right in this building in 1943.

Mr. TAVENNER. Were you in the Armed Forces of the United States at that time, at the time of your—

Mr. DEINUM. I was never in the Armed Forces in a uniformed capacity. However, I ought to tell you I did serve for a year in the Office of Strategic Services in the uniform but as a civilian.

Mr. TAVENNER. Were you naturalized while you were in the Office of Strategic Services?

Mr. DEINUM. No, sir. I became naturalized immediately before I joined. In other words, I became naturalized in December, I went overseas I think it was in February. I joined in January 1944.

Mr. TAVENNER. Will you tell the committee briefly what your formal educational training has been?

Mr. DEINUM. Yes. I went to grammar school and gymnasium, a kind of latin school, in the Netherlands. I came to this country in 1938 to go to Stanford University. I entered as a junior and graduated there with a bachelor's degree in journalism in early 1940. Then I wasn't in school for quite a while and I took my master's in theater arts, emphasis on motion pictures, UCLA, in 1951 I think I got my degree.

Mr. TAVENNER. I did not quite understand in what field you took your master's.

Mr. DEINUM. Theater arts, motion pictures. It is a subdivision of theater arts.

Mr. TAVENNER. Will you tell the committee, please, what your present occupation or profession is?

Mr. DEINUM. At present I am a teacher in the department of cinema in the University of Southern California.

Mr. TAVENNER. How long have you been employed as a teacher in that institution?

Mr. DEINUM. Three and a half years.

Mr. TAVENNER. Will you tell the committee, please, what other employment you had between the time you received your master's degree and the time you became a teacher?

Mr. DEINUM. Between the time I received my master's degree and became a teacher I had no other employment. I mean I went from that into this.

Mr. TAVENNER. Immediately?

Mr. DEINUM. Almost immediately, a couple of months difference.

Mr. TAVENNER. Will you tell the committee, please, what other employment you have had in the United States?

Mr. DEINUM. Well, I worked in the motion picture studios in various minor capacities over a number of years. I worked as a company clerk, kind of second assistant director for a while. That was before I joined the OSS. After I came home I worked as a research director on various productions and for various companies, I did free-lance research. That more or less describes it, I would say.

Mr. TAVENNER. What was your first employment in the moving picture industry?

Mr. DEINUM. That was a job as a—I think they called it a company clerk at 20th Century Fox in 1942, I think it was.

Mr. TAVENNER. How long were you so employed?

Mr. DEINUM. Roughly, let's see, a little less than a year, I would say. I forget exactly.

Mr. TAVENNER. After that you say you became assistant director?

Mr. DEINUM. No, sir. After that I was unemployed for a while and then I joined OSS.

Mr. TAVENNER. When did you say you were an assistant director?

Mr. DEINUM. All I said, Mr. Tavenner, to be a company clerk is a kind of being an assistant director. Just the way they call often a third assistant or second assistant. It is another name for the same thing. You assist the second assistant, if you want to say it that way.

Mr. TAVENNER. Have you ever engaged in screen writing?

Mr. DEINUM. No; I haven't, not—well, to modify that, one of the classes I teach now is in the writing of documentary films but I don't do much of that myself, but I do teach a basic class in it. That is about the extent of it, but I have never engaged in actual writing in the studios.

Mr. TAVENNER. You did work in documentary films, did you not?

Mr. DEINUM. I did some work in documentary films, I worked with documentary film directly for about a year, I would say.

Mr. TAVENNER. Will you tell us for whom?

Mr. DEINUM. Joris Ivens.

Mr. TAVENNER. During what period of time were you so employed?

Mr. DEINUM. Well, sir, it was around the days of Pearl Harbor. That is the closest I can put it. Mr. Ivens went to Canada in May 1942, so I presume that is when it stopped. I wasn't really employed, I want to say that. I didn't make any money. I was just his assistant because I was trying to learn something. You might say I sort of stuck around. I did work, though.

Mr. TAVENNER. Will you tell us, please, where you were stationed while you were employed by the Office of Strategic Services?

Mr. DEINUM. In the London Office.

Mr. TAVENNER. London, England?

Mr. DEINUM. Correct.

Mr. TAVENNER. From what date to what date?

Mr. DEINUM. Well, I would say it was from I think I got there at the end of March or, beginning of April, 1944, and I left there in November or the end of October, after my job training.

Mr. TAVENNER. What was the nature of your duties?

Mr. DEINUM. Well, Mr. Tavenner, when I left OSS I was told that I had been in a highly security-conscious organization and I don't know that I ought to talk about this like this. It might get all of us in trouble.

Mr. TAVENNER. If you consider that to describe your duties might give away some secrets or make public some secrets—

Mr. DEINUM. I don't know.

Mr. TAVENNER. Wait a minute—some secrets that you think should not be made public, I do not want to call on you to do so.

Mr. DEINUM. I don't think any specific secrets. The only thing I know is that in OSS they really thought of security in the sense that we were not supposed to talk about this much and this is the first time this has ever come up so I don't know.

Mr. SCHERER. When was it that you terminated your service with OSS?

Mr. DEINUM. I terminated my service I think officially in January 1945, but I left London in the beginning of November 1944.

Mr. SCHERER. Do you think that anything that you learned in the Office of Strategic Services 10 years ago would still be classified as secret today?

Mr. DEINUM. I don't know, sir. That is why I am asking the question.

Mr. SCHERER. Mr. Tavenner didn't ask you about anything specific. He merely asked the nature of the work you did. I think you can tell us the nature of it, a question of that type.

Mr. DEINUM. Does the chairman think I could? I would like to have it on joint responsibility.

Mr. DOYLE. I would suggest probably in general terms.

Mr. DEINUM. In general terms I did office work. I read underground newspapers we got from the Netherlands, I talked to people to try to build up a picture of what was going on in the Netherlands under occupation. This is the rough thing I can say. Does that help you?

Mr. TAVENNER. Yes; that gives us a general idea.

Mr. SCHERER. That is all we wanted to know. Nothing classified or secret about that, the war was over 10 years ago.

Mr. TAVENNER. In the performance of your duties, were classified documents available to you?

Mr. DEINUM. I think, sir, that all the documents that were handled by OSS were classified.

Mr. TAVENNER. And some of course were marked "Secret."

Mr. DEINUM. Sure. As far as I remember. I have forgotten but I presume so.

Mr. TAVENNER. Do you recall whether or not at the time you became employed by the Office of Strategic Services that you filed a form signed by you, a form on which various questions were asked of you?

Mr. DEINUM. I think I signed a form. What questions they asked me I don't know, sir, but I must have filled out something. We always do.

Mr. SCHERER. What did you say? You always do?

Mr. DEINUM. When you join an organization you always fill out forms.

Mr. SCHERER. You would for the Office of Strategic Services?

Mr. DEINUM. You would for any Government organization.

Mr. SCHERER. There was a thorough investigation for anybody who became a member of the Office of Strategic Services.

Mr. DEINUM. I was contacted to join the actual organization. Though I was a 4-F and not otherwise eligible I was shipped overseas almost at once because they had investigated me 4 years before and knew all about me.

Mr. SCHERER. Did they ask you additional questions?

Mr. DEINUM. It was a formality, as I remember, because I was called to an office in this building, asked a question, rushed away almost immediately.

Mr. SCHERER. But you were asked some questions with reference to your background, were you not?

Mr. DEINUM. Yes, but although—yes. I presume so. The main question I remember is a man asked me, "Do you want to go to Holland," and I said, "How come?"

Mr. SCHERER. You did fill out a form and that form contained many questions as to your background?

Mr. DEINUM. To the best of my recollection, I did, but I do not remember the form. I have filled out a lot of forms in my life, had to fill out a lot of forms, it is the world we live in.

Mr. TAVENNER. Do you recall on that form there was a question which had for its purpose an inquiry as to whether or not you had at any time been a member of an organization which advocated the overthrow of the Government of the United States by force or violence?

Mr. DEINUM. There could very well have been such a question on that list.

Tr. TAVENNER. Do you recall how you answered it?

Mr. DEINUM. I presume I must have answered it the same way I answered the question for my citizenship, by saying "No," but I haven't seen it.

Mr. TAVENNER. Were you a member of the Communist Party at that time?

Mr. DEINUM. No, sir.

Mr. TAVENNER. Did you become a member of the Communist Party at a later time?

(The witness conferred with his counsel.)

Mr. DEINUM. Yes. I would like to state now that I am not now a Communist. That I also would add to that that I have been a Communist for a period from about early 1946 to the middle of 1950, to the best of my recollection. I would further like to clarify my position this way: that I am not going to testify about my associations with others while I was a Communist, and since testimony about my activities while in the party will necessarily involve others, I will not testify about my activities, either. My refusal to testify about other persons or activities is solely based upon the first amendment of the Constitution, supplemented by the fifth.

I will grant you the fact of my membership and any questions you care to ask me about my views about what I think about, what I hold, all the opinions I hold, you are very welcome to.

Mr. SCHERER. I think we should state at the outset, Mr. Chairman, that we cannot accept, although his statement was made in advance of any questions that were asked him or might be asked of him, that we cannot possibly accept his explanation as an excuse for not answering questions that involve other individuals.

There is nothing in the Constitution that I know of that prevents a person called as a witness from answering questions with reference to other individuals. I think it should be made clear that in our opinion that is no legal basis for his refusal to answer questions which I now presume that you are going to ask him, at least that he expects you to ask him.

Mr. DOYLE. Did you understand Congressman Scherer's statement just now?

Mr. DEINUM. Yes, sir; I do. I have made a certain amount of study on these matters and I know——

Mr. DOYLE. You have made a certain amount of study as to what you claim your rights to be?

Mr. DEINUM. Yes, sir.

Mr. DOYLE. You familiarized yourself, you feel, with what your constitutional rights are?

Mr. DEINUM. Yes, sir; I did.

Mr. DOYLE. You feel you have come to some conclusion as to the position you wish to take before this committee?

Mr. DEINUM. Yes, sir. I didn't come here unprepared.

Mr. DOYLE. I wish to emphasize, sir, that as a congressional committee we cannot accept your undertaking and statement as binding on us justifying us or you, either, in refusing to answer questions which are pertinent or germane to the purpose.

(Representative Jackson entered the hearing room.)

Mr. DOYLE. May it be further understood in connection with your testimony or the testimony of any other witness before this committee, that whenever I direct you to answer a question, if I do, in spite of the fact that you have refused to answer it, if I direct you to answer a question or one of my colleagues asks that I instruct you to answer a question, it is because we believe that your refusal to answer at least is not proper, not a just claim of your constitutional privilege.

We might even believe it is frivolous or at least not binding on this committee and not a sufficient justification legally.

Mr. DEINUM. That is right.

Mr. DOYLE. You understand that?

Mr. DEINUM. Yes, sir.

Mr. DOYLE. Is that satisfactory, Mr. Scherer?

Mr. SCHERER. Yes.

Mr. DOYLE. Proceed.

Mr. TAVENNER. Mr. Deinum, you stated that you were willing to answer any questions that I might desire to ask regarding your beliefs or your opinions.

Mr. DEINUM. Correct, sir.

Mr. TAVENNER. As a matter of fact, this committee does not ask any witness a question of his beliefs or his opinions. I am not inter-

ested and I don't think the committee is interested in any manner in what you may believe or as to what your opinion is.

What we are interested in is what activity you engaged in as a member of the Communist Party and what knowledge you have of Communist Party activities in certain fields in Los Angeles and my questions of course will be confined to that.

Mr. SCHERER. In addition to what you say, Counsel, we are also interested in what individuals participated with him in those Communist activities.

Mr. TAVENNER. Surely. I understood you to say you became a member of the Communist Party for the first time in 1944.

Mr. DEINUM. I didn't say that. I said to the best of my recollection in the beginning of 1946.

Mr. TAVENNER. 1946. Pardon me. Was that in Los Angeles?
(The witness conferred with his counsel.)

Mr. DEINUM. At this point I would like to ask the committee to give me the benefit of a formal ruling as to whether it considers itself controlled by the decision of the United States District Court for the District of Columbia, when it held that Steve Nelson was not guilty of contempt in refusing to disclose the names of others or his party activities, even though he admitted that he had been a member of the Communist Party.

I am handing you a copy of the Nelson decision which is recorded in volume 103, Federal Supplement, at page 215. In this connection I also ask the committee to consider before it makes its ruling on my objection the fact that on May 22 of this year the Supreme Court reversed the conviction of Philip Bart, although the court below held he had waived his privilege.

Mr. DOYLE. May I state to the gentleman that you have had the opportunity to read your prepared statement, which is all right. Of course we are rather familiar with the decisions of the courts. You can take it for granted, sir, as a witness before this committee that any question that is asked you by our distinguished legal counsel is asked you by one of the most scholarly lawyers in the country.

Mr. DEINUM. I don't doubt it at all, sir.

Mr. DOYLE. He has never been known to us to deliberately or otherwise ask questions that are not pertinent, germane and legal. With that, let's proceed.

Mr. TAVENNER. Will you answer the question, please?

(The witness conferred with his counsel.)

Mr. DEINUM. I decline to answer that question on the grounds of the first amendment supplemented by the fifth.

Mr. DOYLE. I will instruct you to answer the question.

Mr. DEINUM. I must decline again, Mr. Doyle. I have to rely on the courts rather than on this committee's interpretation of the law.

Mr. DOYLE. May I suggest to the gentleman in view of the statement a few minutes ago that he has prepared for this hearing—that every American citizen should prepare himself as far as possible for any problem—but may it be understood that for the purpose of saving your time and the time of distinguished counsel and ours, that it is unnecessary for you to read your objections any more or refer to court decisions. We are familiar with those court decisions very thoroughly. If you will just state that you object on the grounds

of your constitutional privilege, whatever amendment you want to refer to, that will be sufficient. Isn't that satisfactory?

Mr. KENNY. I think the witness can incorporate what he has said previously by merely saying "as previously stated."

Mr. DOYLE. Let's proceed on that basis.

Mr. DEINUM. All right.

Mr. TAVENNER. Will you answer the question, please?

Mr. SCHERER. Let's go back. I forgot the question. What is the question?

Mr. TAVENNER. The question was whether or not he first became a member of the Communist Party in the City of Los Angeles.

Mr. DEINUM. I answered and I will answer the same way again that I decline to answer that question on the grounds I have already stated rather elaborately.

Mr. TAVENNER. Do you have doubt that was the question?

Mr. SCHERER. Was the question when he became a member of the party in Los Angeles?

Mr. DEINUM. That was answered.

Mr. TAVENNER. He answered the question.

Mr. SCHERER. What was the question?

Mr. TAVENNER. The present question is whether or not he first became a member of the Communist Party in the city of Los Angeles. I suggest, Mr. Chairman, that you give the witness a direction as to whether or not to answer the question.

Mr. DOYLE. I do direct you to answer that question.

Mr. DEINUM. Well, sir, I decline again on the grounds I have stated.

Mr. TAVENNER. Was the Communist Party group with which you were affiliated a group composed principally of members of any profession or trade?

Mr. DEINUM. Since this question refers to activities, I will again refuse on the grounds I have stated.

Mr. JACKSON. Mr. Chairman.

Mr. DOYLE. Mr. Jackson.

Mr. JACKSON. I apologize for not being here at the time you convened, but I would like to be informed to what extent, if any, an admission of membership has been made by the witness.

Mr. TAVENNER. The witness has very clearly stated that he was a member of the Communist party between certain dates.

Mr. DEINUM. 1946 to the middle of 1950, I stated.

Mr. TAVENNER. That he was willing to speak of his opinions and beliefs but he would not speak of his activities while a member of the Communist Party in substance.

Mr. SCHERER. Or name his associates.

Mr. TAVENNER. Or name any of his associates.

Mr. JACKSON. Thank you.

Mr. DOYLE. May I supplement, Mr. Jackson, by saying our distinguished legal counsel immediately explained to the witness that this committee is not interested in opinions or beliefs.

Mr. SCHERER. I think there should be a direction to answer the last question.

Mr. DOYLE. I direct the witness to answer the last question.

Mr. DEINUM. I have a feeling—I decline to answer it. I have to decline to answer it again on the grounds I have stated.

Mr. SCHERER. Do you feel, Witness, that to answer the question asked you by Mr. Tavenner may tend to incriminate you?

(The witness conferred with his counsel.)

Mr. DEINUM. Congressman, I understand that answering as to a reason behind a reason would in effect take the privilege away from me.

Mr. SCHERER. Let me ask you the question this way: Are you relying on that part of the fifth amendment in refusing to answer this question which gives you the right to refuse on the basis that to answer it might incriminate you?

(The witness conferred with his counsel.)

Mr. DEINUM. Yes, I do.

Mr. JACKSON. May I ask one question: Is the witness aware of the fact that having voluntarily acknowledged your own membership in response to a question that there is a possibility that you may waive your rights under the fifth amendment by refusing to answer subsequent questions on the same proposition or same subject matter?

Mr. DEINUM. I am aware of that, sir, and if I have to go to jail on a question of faith like that, I have faith in my position, you must understand this. I didn't take this lightly, I am not dumb, I know that I am involved, I have been in America a long time and like it, I would rather be here outside of jail rather than in jail. I assure you.

Mr. JACKSON. Are you also aware that moral compulsion, laudable as it may be, is not legal grounds for refusing to answer.

Mr. DEINUM. Yes, but I have to state what I think are legal grounds.

Mr. JACKSON. I think it is most important that your understanding of these matters be in the record so there could be no claim that you had not been aware of these matters.

Mr. DEINUM. May I add something to that? I would like you to be aware that the reasons I am using are not moral reasons but legal reasons. You may not agree with them, but I have stated legal reasons.

Mr. JACKSON. That is for a decision for a forum other than this.

Mr. DEINUM. Sure.

Mr. DOYLE. Witness, we have made it clear to you that we are not asking you or going to ask you your opinions or beliefs but as I understand your statement, it was in substance that you would not tell us who your associates were and we understand that. In asking you this question, sir, isn't it true that Mr. Tavenner's question is only asking you as to what you did as a Communist, or may I ask you this: Do I understand you are refusing to tell your own congressional committee what you yourself did as a Communist, not who you did it with, but what you did as a Communist? That is different. For the purpose of my questioning I am not asking your associates, but do I understand that you won't even help your own Government which you have adopted, or which has adopted you, to tell us what the Communist Party did with you?

(The witness conferred with his counsel.)

Mr. DEINUM. I am not a lawyer but I have been forced because of the circumstances to do quite a bit of legal reading and I have become acquainted with the doctrine of waiving and I understand that if I answer one question I will waive my rights. I understand that the position I have taken now, I have not waived any rights.

Mr. JACKSON. That, of course, is a moot question, whether or not in your acknowledging your own membership you did not waive your rights on succeeding questions related to the same subject. However, again that is not a matter for us to determine.

Mr. MOULDER. How long have you resided in Los Angeles?

Mr. DEINUM. Since 1940, off and on, since early 1940.

Mr. MOULDER. During the year of 1946 did you reside in Los Angeles?

(The witness conferred with his counsel.)

Mr. DEINUM. Yes, I did.

Mr. MOULDER. During this year were you present at all times?

Mr. DEINUM. Throughout 1946?

Mr. MOULDER. Yes.

Mr. DEINUM. No, sir; I spent 2½ months visiting my family in the Netherlands.

Mr. MOULDER. Did you affiliate yourself with the Communist Party while you were in the Netherlands?

Mr. DEINUM. I must decline to answer that, sir, on the grounds I have stated.

Mr. MOULDER. You joined the Communist Party in the Netherlands or Los Angeles, one or the other?

(The witness conferred with his counsel.)

Mr. DEINUM. I don't get the question.

Mr. MOULDER. If you resided in Los Angeles throughout the year 1946 and you say you joined the Communist Party in 1946, evidently you affiliated with the party while here in Los Angeles. You have answered those questions clearly, and I don't see why you haven't opened up the subject to the extent where you could not honestly answer the question as to whether or not you became affiliated with the Communist Party in Los Angeles. It is evident you did.

Mr. DEINUM. Answering that question would imply a waiver of my rights under the fifth amendment and when I came to this country, when I became a citizen in this building I swore to uphold the Constitution against all enemies, foreign and domestic. All right, I have done my part against foreign enemies and I am willing to do it against domestic enemies, but the one thing I am sure of is the only way to uphold the Constitution is to insist on the rights guaranteed you under that. There is no sense in having rights if you don't use them. They die.

Mr. SCHERER. A criminal can either admit or deny his guilt or he can invoke the fifth amendment. He doesn't have to invoke the fifth amendment. Nobody makes you invoke the fifth amendment.

Mr. DEINUM. It isn't up to me, Congressman, to suggest reading to you, but I would suggest what Dean Griswold has been writing about the fifth amendment in Harvard Law Review.

Mr. JACKSON. I suggest you read what the distinguished Los Angeles jurist, Lloyd Wright, president of the American Bar Association, has said on the same subject. There is a decided difference of opinion in this area. You have one opinion, many hold another.

Mr. DEINUM. This country has gotten great by differences of opinion.

Mr. JACKSON. Exactly. So leave us with ours.

Mr. DEINUM. Surely.

Mr. TAVENNER. Mr. Chairman, I think there should be no question or doubt about the witness understanding what the position of the

committee is on the question of waiver. The witness has admitted Communist Party membership between 1946 and 1950, and if it is the committee's view that that is a waiver of the right to rely upon the fifth amendment as to questions relating to what he knows about the Communist Party during that period of time, I think he ought to be told that specifically, because that is our only purpose of questioning him.

Mr. DOYLE. Did you hear and understand Mr. Tavenner's observation?

Mr. DEINUM. Yes, sir.

Mr. DOYLE. I wish to state for the benefit of the witness and his distinguished counsel by his side, that we four members of this committee think it did and does constitute a waiver and we are going to proceed on that basis. And every time I direct you, if I do, from here on, to answer a question it is with that premise in mind, among others.

Mr. MOULDER. May I say I didn't understand he admitted his Communist affiliation between the years of 1946—I thought you said you joined the Communist Party and became affiliated during the year of 1946; is that correct?

Mr. DEINUM. I joined, I forgot the date, I am not very good on dates, I know, I think it is during 1946, must have been early 1946, and it ran up through the middle of 1950. That is what I said.

Mr. MOULDER. During the year 1946 you did join the Communist Party?

Mr. DEINUM. Yes, sir.

Mr. TAVENNER. How were you employed at the time you became a member of the Communist Party?

Mr. DEINUM. I was employed at a small company operating at the Warner Bros. lot as a technical adviser on a motion picture that was being made.

Mr. TAVENNER. What was the name of that picture?

Mr. DEINUM. Cloak and Dagger. [Laughter.]

Mr. TAVENNER. How long did you remain employed at that place?

Mr. DEINUM. I was employed there, it must have been up July 1946, because at the end of July I went to Europe, I went to Holland.

Mr. TAVENNER. You were in Holland, you told us, several months.

Mr. DEINUM. Two and a half months.

Mr. TAVENNER. How were you employed when you returned from Holland?

Mr. DEINUM. When I returned I was employed at another small company at Universal International lot.

Mr. TAVENNER. What was the name of the company?

Mr. DEINUM. It is out of existence. It was called Diana Productions.

Mr. TAVENNER. How long did you remain employed by that company?

Mr. DEINUM. Up to the middle of, I think about August 1947, something like that.

Mr. MOULDER. While you were in the Netherlands did you come in contact with or have any conference or meet anyone that you knew to be a member of the Soviet Union or representative of the Communist government in Europe?

(The witness conferred with his counsel.)

Mr. DEINUM. I am afraid I will have to decline that, Congressman, on the grounds I have stated. It implies associations.

Mr. SCHERER. I ask that you direct the witness to answer the question of Mr. Moulder.

Mr. DOYLE. I so direct you.

Mr. DEINUM. I must still decline on the grounds stated.

Mr. TAVENNER. What was your next employment after August 1947?

(The witness conferred with his counsel.)

Mr. DEINUM. Well, sir; from 1947 to 1949 I did free-lance research at various places, a little job here, a little job there.

Mr. SCHERER. May I interrupt. We didn't ask him what his purpose was in visiting the Netherlands. Why did you go to the Netherlands?

Mr. DEINUM. I will tell you, sir. My father and my mother and my whole family are all living there. I hadn't seen them for 8 years. I was anxious to see them.

Mr. SCHERER. Was that your only purpose?

Mr. DEINUM. That was my only purpose.

Mr. TAVENNER. What type of free-lancing work was this you were doing?

Mr. DEINUM. Research, library research. I am very handy in a library. I know the rules of research. I have always been at home in libraries so I can dig up information.

Mr. TAVENNER. Research in what field?

Mr. DEINUM. In most any field.

Mr. TAVENNER. I am asking you what was the research field in which you did this work from 1947 to 1949?

Mr. DEINUM. In all kinds of fields, sir. I mean a library is a big place with information on all kinds of subjects.

Mr. TAVENNER. Was it a basis for writing?

Mr. DEINUM. Sometimes for writing, yes.

Mr. TAVENNER. Were you at any time a screen writer?

Mr. DEINUM. No, sir. I was the guy that supplied the material to screen writers, sure.

Mr. TAVENNER. I was going to ask if you assisted others engaged in screen writing.

Mr. DEINUM. You can't call it assisting when you give a man all the materials he works with.

Mr. TAVENNER. Did you furnish the material for the script?

Mr. DEINUM. That is right.

Mr. SCHERER. Isn't that assisting him?

Mr. DEINUM. He wouldn't look at it that way. I might.

Mr. TAVENNER. What pictures did you furnish material for?

(The witness conferred with his counsel.)

Mr. DEINUM. I don't remember because I did research on a lot of pictures that guys wrote stories for. Maybe never sell them, they just die. I don't know if they ever became pictures, maybe some did. If you have anything specific, I will be glad to answer.

Mr. TAVENNER. Let me call your attention to the testimony of Mr. Robert Rossen, taken in New York in 1953. I am trying to find out from you as to whether you have any knowledge of this. This is the first opportunity we have had, I believe, to question any one engaged in this field since Mr. Rossen testified in 1953. He described a conference that had been held in Hollywood between Earl Browder, him-

self, John Howard Lawson, Sidney Buchman, and Max Silver. This of course was prior to the time you became a member of the Communist Party.

Mr. Rossen described in the course of his testimony, because I cannot take time to read it to you, I must describe it only in very general terms, that the writers, screenwriters, were a very important sector of Communist Party activities, and that if a screenwriter could become really proficient in his art he would be able to influence by his own personal success many others in the field of communism.

I will not attempt to describe it further, but that was the nature of it.

I asked him what device, if any, was used to carry out those directions from Earl Browder and he said one of the devices was the establishment of a writers' clinic, a clinic to be attended by young writers, persons who had not had much experience in the field. It would seem to me from your own description that you may have or could have learned something from such a clinic.

Mr. DEINUM. I am just telling you, sir. I am not a writer.

Mr. TAVENNER. You are a research specialist from your own statement, who collected material to be used for screenwriting.

Did you learn anything about the existence of a screenwriter's clinic or did you ever attend one of them composed solely of members of the Communist Party?

Mr. DEINUM. I have to decline to answer that on the grounds I have already stated, but I want to add I have nothing to do with writing. I am not a writer.

Mr. SCHERER. Are you refusing to answer it because you had nothing to do with writing?

Mr. DEINUM. No, sir; I want to answer it. English is not my native tongue.

Mr. SCHERER. You do very well.

Mr. DEINUM. To make it very clear, I decline to answer that question on the grounds I have stated, because it implies an activity and association and you know my position on that.

Mr. SCHERER. I ask that you direct the witness to answer the question.

Mr. DOYLE. You understand the question? I direct you to answer the question.

Mr. SCHERER. The committee believes his admission of membership in the Communist Party waives any right to refuse to answer questions concerning his activity within the party.

Mr. DEINUM. I must decline again. Unfortunately it is becoming as formal as a peasant's dance. You do this and I do that. I don't mean to be obstreperous. This is the position I took. One has to be consistent within one's position.

Mr. TAVENNER. Did you refuse to answer the question after being directed by the chairman to answer?

Mr. DEINUM. Yes, sir.

Mr. TAVENNER. Will you tell the committee, please, whether or not the group of the Communist Party with which you affiliated was a group within Hollywood composed of persons working in the moving picture industry in any capacity?

Mr. DEINUM. I must decline to answer that on the grounds I have stated.

Mr. DOYLE. I instruct you to answer that question.

Mr. DEINUM. I decline to answer again.

Mr. TAVENNER. How many persons composed the Communist Party group with which you affiliated?

Mr. DEINUM. It is the same question and I give the same answer, I decline to answer on the same grounds.

Mr. DOYLE. I direct you to answer the question.

Mr. DEINUM. I decline.

Mr. TAVENNER. What was the objective of the Communist Party group to which you were assigned?

Mr. DEINUM. I decline to answer that question on the grounds I have stated.

Mr. DOYLE. I direct you to answer the question.

Mr. DEINUM. Same answer, sir. I decline to answer.

Mr. MOULDER. May I ask what was your objective? You said you would give us your opinions.

(The witness conferred with his counsel.)

Mr. DEINUM. My objective, sir?

Mr. MOULDER. Your objective in joining the Communist Party.

Mr. DEINUM. I will be glad to answer that. If I have had one characteristic all my life, it is abiding curiosity about everything. I have never wanted to take anything on anyone's heresay. I wanted to experience things myself. I believe in firsthand exploration. The fact that I have come to this country at all is an example of my curiosity. The fact that I find myself here, it may seem like the proverbial quandary, but here I am.

Mr. SCHERER. You say it was your curiosity that caused you to come to the United States?

Mr. DEINUM. Yes, I collected pictures since I was 4, wanted to come here since I can remember.

Mr. SCHERER. Wasn't it more than curiosity?

Mr. DEINUM. To cause me to come to the United States?

Mr. SCHERER. Yes.

Mr. DEINUM. It was curiosity. It becomes a great deal more with experience. May I answer Representative Moulder first?

Mr. SCHERER. Now you are answering my question.

Mr. DEINUM. I wasn't through. I don't want him to feel slighted.

Mr. JACKSON. Was it your curiosity that took you into the Communist Party?

Mr. DEINUM. Basically; yes, sir. I don't know if I can make this clear, my whole field of interest is art-history, relation of art to society, relation of film to society, much philosophy has had a great deal to offer in that field. Many great people, it is a natural curiosity.

Mr. DOYLE. Was it curiosity that made you become a citizen of the United States?

Mr. DEINUM. I became a citizen of the United States because I wanted to. I didn't give up my former citizenship easily, didn't give it up easily, it was a considerable struggle for me to become an American citizen and I am happy I did. I did it because I liked this country, I have seen a lot of this country, I have tried to get to know it, its traditions, history. I am about as well acquainted with it I think as anyone.

Mr. MOULDER. I am sorry to prolong this questioning. A while ago you refused to answer my question as to whether or not you contacted or conferred with a representative of the Soviet Union or of the Communist movement while visiting in the Netherlands. You refused to answer that.

Mr. DEINUM. Under ordinary circumstances I would be glad to answer that, but here my answer is I would be waiving something that would open up a whole area of questions I do not want to answer, as I have indicated.

Mr. MOULDER. An additional question: Did you join the Communist Party or believe in the Communist Party before you went to the Netherlands, or after you returned from the Netherlands?

(The witness conferred with his counsel.)

Mr. DEINUM. This was before.

Mr. MOULDER. It was before you went to the Netherlands.

Mr. DEINUM. Yes, sir.

Mr. MOULDER. During the year 1946?

Mr. DEINUM. That is correct.

Mr. MOULDER. That was the only time you were out of Los Angeles. I wanted to nail that point down. Therefore you affiliated with the Communist Party here in Los Angeles.

Mr. DEINUM. If you reason that, it could be anywhere from here to Holland.

Mr. MOULDER. Did you?

Mr. DEINUM. I am sorry. Will you restate the question?

Mr. MOULDER. You say it was possible for you to be affiliated with the Communist Party between here and Holland.

Mr. DEINUM. I presume it would be.

Mr. MOULDER. Were you?

Mr. DEINUM. I would like to answer it, sir, but I must decline on the grounds I have stated because of the waiver.

Mr. SCHERER. He opened the door when he said it could have been any place between here and Holland.

Mr. DOYLE. I direct you to answer that question.

Mr. DEINUM. I must decline to answer it on the grounds I have stated.

Mr. TAVENNER. Were any of these research activities in which you were engaged carried out as a result of an assignment by the Communist Party?

(The witness conferred with his counsel.)

Mr. DEINUM. I decline to answer that question, sir.

Mr. TAVENNER. I hand you a document entitled "House Committee on Un-American Activities" consisting of 44 pages of research work with your name appearing at the top of it. Will you examine it, please.

(Document handed to witness; witness conferred with his counsel.)

Mr. TAVENNER. Is that your handwriting at the top of the document?

(The witness conferred with his counsel.)

Mr. TAVENNER. You are not examining the handwriting, I notice.

Mr. DEINUM. Yes, I am looking at the document.

Mr. TAVENNER. Is that your handwriting at the top of the document?

Mr. DEINUM. May I have just a minute, sir?

Mr. TAVENNER. Are you consulting counsel, is that the purpose?

Mr. DEINUM. Yes.

Mr. TAVENNER. Go ahead.

(The witness conferred with his counsel.)

Mr. TAVENNER. After all, it is a simple question as to whether or not that is your handwriting.

(The witness conferred with his counsel.)

Mr. DEINUM. I decline to answer that question on the grounds I have stated.

Mr. TAVENNER. What is the name appearing in ink at the top of the page?

Mr. DEINUM. It is obviously my name, sir.

Mr. TAVENNER. But you refuse to answer as to whether or not it is your signature?

Mr. DEINUM. Yes; I do, sir.

Mr. TAVENNER. Is that document a document which you prepared as a result of the curiosity that you had about the Committee on Un-American Activities?

(The witness conferred with his counsel.)

Mr. DEINUM. I have to decline to answer.

Mr. TAVENNER. As a matter of fact, it represents a direct assignment by the Communist Party to you to do a job on the Committee on Un-American Activities; isn't it?

Mr. DEINUM. I don't know what you mean, sir, by doing a job. If I look at this thing here it just gives quotations from the Congressional Record, speeches, editorials, and all that. I don't know whether you would call that doing a job.

Mr. TAVENNER. What do you call it?

Mr. DEINUM. It is a collection of materials.

Mr. TAVENNER. Did you prepare it at the instance of the Communist Party?

Mr. DEINUM. You bring in the Communist Party and I must decline to answer on the grounds I have stated earlier.

Mr. TAVENNER. What other assignments in the research field did you undertake besides that one?

Mr. DEINUM. A lot of them.

Mr. TAVENNER. Name them.

(The witness conferred with his counsel.)

Mr. DEINUM. This will be quite difficult offhand.

Mr. SCHERER. Name those you remember.

Mr. DEINUM. I am trying to, sir.

(The witness conferred with his counsel.)

Mr. DEINUM. If you can direct me to something specific, sir, I will be glad to answer. Omnibus questions are very difficult.

Mr. TAVENNER. I am sure you know more about that than I do, sir. I will have to ask that you answer the question. I can't testify about it.

Mr. DOYLE. Do you remember the question?

Mr. DEINUM. Yes, I remember the question.

Mr. DOYLE. I direct you to answer the question.

(The witness conferred with his counsel.)

Mr. DEINUM. Well, sir, this question being asked in the context of relations with the Communist Party, and I have not admitted or denied anything at all that this had anything to do with the Communist

Party and I must decline to answer this question on the grounds I have stated.

Mr. TAVENNER. Did you deliver a copy of this 44-page report, on the Committee on Un-American Activities to each of the members of the Communist Party group to which you belonged?

Mr. DEINUM. You are talking about activity and of course I decline to answer it on the grounds I have stated.

Mr. SCHERER. I ask that you direct the witness to answer the question.

Mr. DOYLE. I do direct you to answer the question.

Mr. DEINUM. I decline to answer it.

Mr. TAVENNER. Do you desire to state to the committee the reasons for your getting out of the Communist Party in 1950, if you did?

(The witness conferred with his counsel.)

Mr. DEINUM. Yes.

Mr. TAVENNER. I will give you an opportunity to do so if you care to.

Mr. DEINUM. Well, sir, they are manifold, I would say. In general I lost interest, ideas that I had used to have began to reassert themselves. I come from a Calvinist background back home. There was something narrow in the policies in relation to the field I was working in. My field is art-history, relation of the art to society. This question of abstract art which I am in favor of are not necessarily against—

Mr. TAVENNER. May I interrupt?

Mr. DEINUM. Yes.

Mr. TAVENNER. Was there an effort by the Communist Party to influence you in the practice of your art that you spoke of?

(The witness conferred with his counsel.)

Mr. DEINUM. That would refer to an activity, sir, and I would decline to answer that question.

Mr. SCHERER. I ask that you direct the witness to answer that question.

Mr. DOYLE. I do direct you to answer it, sir.

Mr. DEINUM. I must decline on the grounds I have stated.

Mr. SCHERER. Have you told us all of the reasons why you got out of the party?

Mr. DEINUM. It is a very complicated long thing. I don't know—

Mr. SCHERER. Didn't you ever finally come to the conclusion that the Communist Party is a criminal conspiracy dedicated to the overthrow of this Government by force and violence?

(The witness conferred with his counsel.)

Mr. DEINUM. It gets into the field of activity again.

Mr. SCHERER. That is not activity. That is asking you whether you did not come to a conclusion. No activity. That is asking you for an opinion that you told us you were going to freely—

Mr. DEINUM. If you ask me do I believe in overthrowing this Government by force and violence, I say, No. I have never done anything like that or anything remotely close to it.

Mr. SCHERER. Mr. Tavenner asked you, Witness, your reasons for getting out of the party, and you named some reasons which to me were somewhat inconsequential and I asked you whether you never came to the conclusion that the Communist Party was a criminal conspiracy dedicated to the overthrow of this Government by force and violence.

(The witness conferred with his counsel.)

Mr. DEINUM. If I had found any evidence of what you just stated, the first thing I would have done is go to the FBI and would have told them about it.

Mr. SCHERER. You never found that?

Mr. DEINUM. No, sir; I never found any evidence to that effect.

Mr. SCHERER. With your reading of all of the court decisions you said you read and the studies you have made, you haven't seen where the highest courts of this land have said that the Communist Party is a criminal conspiracy dedicated to the overthrow of this Government by force and violence? You mean you have never seen that?

Mr. DEINUM. I have seen that.

Mr. SCHERER. In the court opinions.

Mr. DEINUM. Yes; but you asked me and I said the only knowledge that is important knowledge to me is firsthand knowledge, knowledge of things I can touch and see. The knowledge where I can say I was there. Well, in relation to that I must say no such knowledge has ever come to my knowledge, I would have gone to the FBI right off the bat.

Mr. SCHERER. You wouldn't rely on the findings of the Supreme Court that that is a fact?

Mr. DEINUM. The Supreme Court found this later. I was in a long time ago. Four or five years ago.

Mr. SCHERER. They found it out, the Supreme Court said that before 1951.

Mr. DEINUM. I must also state up to that point I had not done much legal research. This is lately. My whole work lies in arts, film, art history. This is my life. I spend most of it in motion pictures and teaching students.

Mr. SCHERER. So the only reasons that you got out of the Communist Party or severed your connections with the Communist Party were those you have given us?

Mr. DEINUM. I can't say they are the only reasons. This is hardly the place, Congressman Scherer, to think real straight. If we can have an evening off and you have a couple of drinks and let's think, I could work out more reasons. This is unusual circumstances to try to push out reasons like a sausage. Every word I say is scrutinized, every word I say may be a lethal weapon used against me. I am here under penalty.

Mr. SCHERER. You are well able to handle yourself.

Mr. DEINUM. I am trying to.

Mr. SCHERER. The only question is, I was wondering whether or not one of the reasons—and I gave you the opportunity to say it—one of the reasons you got out of the party was because you came to the final conclusion that the Communist Party or the Communist conspiracy was such as I have stated.

(The witness conferred with his counsel.)

Mr. DOYLE. Is there a question pending?

Mr. TAVENNER. I would like to ask another question.

Will you tell the committee, please, who were members of the Communist Party associated with you in Communist Party work?

Mr. DEINUM. Well, sir, on the basis of what I stated, I decline to answer that question.

Mr. JACKSON. I ask that the witness be directed to answer that question.

Mr. DOYLE. I direct you to answer the question.

Mr. JACKSON. And stress again that the committee does not accept that answer in what it considers to be a waiver of privilege.

Mr. DOYLE. You understand that?

Mr. DEINUM. I understand it.

Mr. DOYLE. I direct you to answer it.

Mr. DEINUM. I decline to answer it on the grounds I have stated.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Mr. Moulder?

Mr. MOULDER. You have stated and admitted that you did join and became a member of the Communist Party.

Mr. DEINUM. Yes, sir.

Mr. MOULDER. During the year 1946.

Mr. DEINUM. That is right.

Mr. MOULDER. Can you tell us how you know that you were a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. MOULDER. What makes you believe you did join the Communist Party in 1946?

Mr. DEINUM. Well, sir, giving an answer to that would be admitting an activity and open up a whole field of questions.

Mr. MOULDER. You have opened it up by saying you did join and became—

Mr. DEINUM. I opened it up—I will not admit—this is a big argument. You must understand my position, that I don't think I have opened it up. You do—it is your right and it is, as a matter of fact, your duty to explore this.

Mr. DOYLE. We understand we have some rights and so do you, thank God we both do in this country, we have rights and must protect them.

Mr. MOULDER. You say you did join the Communist Party in 1946?

Mr. DEINUM. Correct.

Mr. MOULDER. You say it was after you returned from the Netherlands?

Mr. DEINUM. No, sir; I said it was before.

Mr. MOULDER. Before you went to the Netherlands.

Mr. DEINUM. Yes.

Mr. MOULDER. Now my question is, you say you joined, and what do you mean by joining?

(The witness conferred with his counsel.)

Mr. DEINUM. That would involve an activity, as counsel points out, and I agree with him, and that being the case I would have to stand on these grounds that I do to decline to answer the question, however much I would like to answer it.

Mr. MOULDER. Did you receive a membership card?

(The witness conferred with his counsel.)

Mr. DEINUM. It is the same question, sir, it is an activity and the same answer. I decline.

Mr. DOYLE. I direct you to answer the question, sir.

Mr. DEINUM. I decline again.

Mr. MOULDER. Did you pay dues in the Communist Party?

Mr. DEINUM. This is again an activity and again the same answer.

Mr. DOYLE. I direct you to answer the question.

Mr. DEINUM. I hate to be a nuisance, but I must decline.

Mr. MOULDER. Did you ever attend what you consider to be and what you understood to be Communist Party meetings?

(The witness conferred with his counsel.)

Mr. DEINUM. It is again referring to an activity on my part and the answer would be the same.

Mr. DOYLE. I direct you to answer the question.

Mr. DEINUM. I decline again.

Mr. MOULDER. Did you ever attend any meeting of any sort where subversive activities were being considered against the Government of the United States?

(The witness conferred with his counsel.)

Mr. DEINUM. No, sir; I most certainly never did attend any such meeting. As I told you before, If I had attended any such meeting I would have been at the FBI the same evening or same morning. I have always been a good citizen and I have tried to be one and I feel very conscious of my responsibilities and that is what I would have done.

Mr. MOULDER. Do you have any knowledge whatsoever of any information of subversive activities?

Mr. DEINUM. No, sir. I do not. If I did I would have been right down where I said I was going to be. I think that is what the FBI is for and in that respect I would cooperate.

Mr. SCHERER. Will you yield a minute?

Mr. MOULDER. Yes.

Mr. SCHERER. Did you ever go to the FBI and tell them about individuals who were active in the Communist Party?

Mr. DEINUM. I would have if I had thought they were guilty of any crimes or anything subversive, I surely would have.

Mr. SCHERER. You know the Federal Bureau of Investigation is constantly seeking to determine who are members of the Communist Party, do you not? You know that, don't you?

Mr. DEINUM. I have heard that.

Mr. SCHERER. You were in the Office of Strategic Services.

Mr. DEINUM. Yes.

Mr. SCHERER. And you know the Office of Strategic Services was interested in knowing who were members of the Communist Party.

Mr. DEINUM. I don't think it was one of their main fields of activity.

Mr. SCHERER. I didn't ask you whether it was one of the main fields of activity. I am asking whether it was a fact that the Office of Strategic Services during the time you were in it was constantly seeking to determine who were members of the Communist Party because the Office of Strategic Services at that time had come to the conclusion that the Communist Party was a subversive party dedicated to the overthrow of all non-Communist countries? Didn't you learn that while you were a member of the Office of Strategic Services?

(The witness conferred with his counsel.)

Mr. DEINUM. I reluctantly come to the conclusion I have a real good answer for you—that I have learned, come to the conclusion any discussion I engaged in as to what I was actually doing will only get me further in trouble than I am already.

Mr. SCHERER. You know, as a matter of fact, from your service in the Office of Strategic Services during the war that the Federal Bureau of Investigation and also Army Intelligence—and OSS was a part of Army Intelligence, was it not?

Mr. DEINUM. No, sir.

Mr. SCHERER. Wasn't it?

Mr. DEINUM. No, sir. OSS was a completely autonomous organization operating under President Roosevelt on secret funds.

Mr. SCHERER. Right. You know the Federal Bureau of Investigation and the Office of Strategic Services then placed individuals in Communist Party cells for the purpose of determining the membership of such groups, do you not?

Mr. DEINUM. I never heard of OSS doing that. OSS didn't operate in this country. OSS operated overseas.

Mr. SCHERER. Overseas, then. Weren't they interested in determining overseas who were members of the Communist Party?

Mr. DEINUM. My only recollection of OSS was—

Mr. SCHERER. You say that is your recollection. You know, as a matter of fact, they did want to determine—

Mr. DEINUM. As a matter of fact, I am telling you that all they were doing when I was there is fighting Nazis.

Mr. JACKSON. That is hardly the case, because there was a period during the lifetime of the Office of Strategic Services when there were two Communist cells operating in the agency. If they didn't catch any Communists that is not too much of a surprise.

Mr. SCHERER. Let me finish.

Mr. DEINUM. This is without my knowledge. I ought to add that.

Mr. JACKSON. Were you a member of the cell in the Office of Strategic Services?

Mr. DEINUM. No, sir.

Mr. JACKSON. You were not?

Mr. DEINUM. No, sir. I wasn't a member of the Communist Party then.

Mr. JACKSON. You were not?

Mr. DEINUM. No, sir.

Mr. JACKSON. Were you in any other Federal employment other than OSS?

Mr. DEINUM. No, I think OSS is the only Federal employment I have ever had. Never worked for any other.

Mr. SCHERER. The witness did not answer my question whether or not he hasn't had knowledge for a long time that the Federal Bureau of Investigation placed operatives within Communist cells for the purpose of determining who the members were.

Mr. DEINUM. I knew. That was in all the papers for years.

Mr. SCHERER. Everybody knows that.

Mr. DEINUM. Yes.

Mr. SCHERER. You just said a few minutes ago if you had any information you would have gone to the Federal Bureau of Investigation but you never reported to the Federal Bureau of Investigation, even though you had been a member of the Office of Strategic Services, any knowledge you had of members' activities in the Communist Party, did you?

Mr. DEINUM. Sir, one thing in OSS they taught us, a man is innocent until proven guilty, and there was no evidence I could bring against any man to make him guilty of anything.

Mr. SCHERER. That isn't my question. Nobody was being tried. You knew the Federal Bureau of Investigation—and you knew that better than most people—was vitally interested in the case of outbreak

of war or any other national emergency, and who every Communist was in this country. Didn't you know it and don't you know it now?

(The witness conferred with his counsel.)

Mr. DEINUM. I don't know much about the interior operations of the FBI. All I know is stories in the newspapers.

Mr. MOULDER. Mr. Chairman.

Mr. DOYLE. Mr. Moulder.

Mr. MOULDER. Continuing with my question, you say you first joined the Communist Party because of curiosity.

Mr. DEINUM. Curiosity, respect I had gained for Communists during the war. I had to do a great deal of investigation of underground activities in the Netherlands which we got through people that came out of underground newspapers.

Mr. MOULDER. You mean because of your sympathy for the Communist cause?

Mr. DEINUM. Not sympathy. I didn't know much about them up to that time. These people were considered heroes in my country.

Mr. MOULDER. Going back to your reason because of curiosity, that curiosity continued for a period of approximately 4 years?

Mr. DEINUM. Three and a half or four years.

Mr. MOULDER. During that 4-year period of time your curiosity wasn't satisfied?

Mr. DEINUM. That is right.

Mr. MOULDER. Until 1951.

Mr. DEINUM. 1950, I said, sir.

Mr. MOULDER. 1950. During that period of time what did you learn about the Communist Party?

(The witness conferred with his counsel.)

Mr. MOULDER. You stated a moment ago you have never observed nor did you come in contact or have any knowledge of any subversive activities or actions of disloyalty—

Mr. DEINUM. That is right.

Mr. MOULDER. On the part of those with whom you were associated as members of the Communist Party. In view of your statement in that respect, certainly you have opened up very clearly the subject and the proper question of just what was discussed by you and your fellow members of the Communist Party.

(The witness conferred with his counsel.)

Mr. MOULDER. What were your purposes and objectives and what was your philosophy and belief as a member of the Communist Party?

(The witness conferred with his counsel.)

Mr. DEINUM. My philosophy and belief is a looking for the relations that exist between phenomena of art and the society in which they find themselves.

Mr. MOULDER. I am referring to the activities of the Communist Party of which you were a member in Los Angeles and to which you have already testified.

Mr. DEINUM. Well, sir, that would be again talking about activities, and I ruled this out myself by taking the stand I did.

Mr. MOULDER. I can't understand why for a period of 4 years your mere curiosity would keep you in a Communist Party organization unless there was some activities on the part of that organization which attracted your attention to continue affiliation with it.

Mr. DOYLE. I think it should be evident that the witness had a continuing and very abundant supply of curiosity.

Mr. DEINUM. That I do, sir, and I hope I never lose it.

Mr. MOULDER. Just what did you do as a member of the Communist Party which evidenced your membership in the party?

Mr. DEINUM. This is of course the same question in different form asking about activities and on the basis I answered before——

Mr. MOULDER. What is your present position now?

Mr. DEINUM. What I am doing, sir?

Mr. MOULDER. Yes.

Mr. DEINUM. I am sorry. I didn't understand the question.

Mr. MOULDER. Are you a teacher now?

Mr. DEINUM. I am a teacher now, sir.

Mr. MOULDER. In what school?

Mr. DEINUM. University of Southern California.

Mr. MOULDER. How long have you been so engaged?

Mr. DEINUM. Three and a half years.

Mr. MOULDER. During that period of time have you continued to attend any Communist Party meetings?

Mr. DEINUM. No, sir.

Mr. MOULDER. Have you been influenced by your prior association with the Communist Party in your teachings in that institution?

Mr. DEINUM. No, sir. As a matter of fact, as I told you, I ceased belonging to the Communist Party in 1950, I went back to UCLA for a year.

Mr. MOULDER. You say you ceased to belong to it. How did you cease; how did you disassociate yourself with membership?

Mr. DEINUM. That is the same question again. You are asking about an activity and I decline to answer that. I do want to state that my teaching now has no relation to any of that at all. You can ask my students, you can ask my colleagues. I have a very good record as a teacher, if I may say so myself.

Mr. MOULDER. Mr. Chairman, he said he associated himself with the Communist Party and is no longer a member, and I asked him how he disassociated himself with the Communist Party and he declined to answer.

Mr. DOYLE. I direct you to answer the question.

Mr. DEINUM. I decline for the reasons I have given you.

Mr. DOYLE. I think I understood you to say two of the reasons that you left the Communist Party were, first, that you lost interest.

Mr. DEINUM. Yes.

Mr. DOYLE. The other was on account of your Calvinist background.

Mr. DEINUM. I said, sir, that a number of the beliefs I used to hold began to reassert themselves. This is not just my Calvinist background. I have held lots of beliefs all my life, be curious about all philosophies, I have talked to hundreds and thousands of people, it all has a bearing on it.

Mr. DOYLE. What made you lose the curiosity you had in the Communist Party? Why did you lose that curiosity or that interest after about 3½ or 4 years? You said you lost interest in it. What caused you to lose that interest?

(The witness conferred with his counsel.)

Mr. DEINUM. As expressed in reading I did, books and statements that came out, philosophy became too narrow for me, I needed a less capricious philosophy, I needed a steadier one. I haven't found one, that is true, I am looking for one.

Mr. DOYLE. You say you needed a less capricious philosophy.

Mr. DEINUM. Yes.

Mr. DOYLE. You mean you arrived at the point where you found the Communist philosophy as you read it and learned it to be was capricious?

Mr. DEINUM. That is right.

Mr. DOYLE. You know the meaning of the word capricious I am sure.

Mr. DEINUM. Yes, I do; and I used it deliberately.

Mr. DOYLE. You found you couldn't continue to follow that capricious philosophy of the Communist Party, is that right?

Mr. DEINUM. You might say that.

Mr. DOYLE. That is one of your reasons. In view of your statements, I think you said you had read Marxism and Stalin's books.

Mr. DEINUM. No—

Mr. DOYLE. What other Communist books?

Mr. DEINUM. I didn't say any such thing.

Mr. DOYLE. You became interested in that philosophy?

(The witness conferred with his counsel.)

Mr. DEINUM. Well, sir, I have always done wide reading in this field. When at Stanford—

Mr. DOYLE. Let me clarify my question. I am quite sure I heard you say "I have studied Marxism."

Mr. DEINUM. Yes, I have, but that predated my Communist Party days.

Mr. DOYLE. That is all right, and that is one reason you went into the party, because you had studied Marxism?

Mr. DEINUM. Yes.

Mr. DOYLE. In other words, it became attractive to your curiosity.

Mr. DEINUM. Yes.

Mr. DOYLE. As a result of your study of Marxism.

You also read Mr. Stalin's comments on communism, didn't you?

Mr. DEINUM. Well, sir, I must say that the side of communism I never could take was more strictly the political side because my interests are not political. It was in art. I read Plechanof and more people that dealt with the cultural and artistic implications of Marxism.

Mr. DOYLE. You found Mr. Marx had written documents that you found essential to read in order to understand?

Mr. DEINUM. Not so much Mr. Marx. It is people that based themselves on Marx.

Mr. DOYLE. What year did you begin reading Marxism?

Mr. DEINUM. Well, sir, this was already part of the reading that was given us in the Latin School in Holland.

Mr. DOYLE. About what year?

Mr. DEINUM. That must have been in the middle thirties. Just part of our curriculum. I took classes in it at Stanford.

Mr. DOYLE. I wish to say to my colleagues here that I think at this point I just have a very important decision, recent decision by a distinguished United States district judge right in this same building

today, perhaps, and I just want to read 2 or 3 paragraphs from this right on the question of the purpose of the Communist Party and Marxism philosophy. I understand you to state, you never discovered any intent to use force and violence by the Communist Party.

Mr. DEINUM. Not in what I read.

Mr. DOYLE. Nor in any of your readings?

Mr. DEINUM. That is right.

Mr. DOYLE. Let me read you briefly 2 or 3 paragraphs from the opinion of Hon. Leon R. Yankwich, district judge of the Southern California District, right in this building on June 8, 1955. That is this month. This is the case of United States of America, plaintiff, versus Sam Title. I have selected just a few paragraphs; it is very important. I will state to my colleagues we will get this into the record right here.

The honorable judge says this:

During the period with which we are concerned in 1936 to 1941 a showing of membership in the Communist Party was not of itself a bar to citizenship. Proof of this must therefore show that at the time the defendant made the statement and representations alluded to and took the oath of allegiance and within the 10-year statutory period preceding the Communist Party was an organization which advocated the overthrow of the Government of the United States by force and violence. The evidence in the record, oral and documentary, including the documentary evidence offered on behalf of the defendant, shows conclusively that this was the teaching of the Communist Party at that time between the years 1936 and 1941.

I read again, skipping some because of lack of time.

The Constitution adopted in 1938 which was introduced by defendant—
right in this building—

shows as do other documents to be referred to, that the American Communist Party ties its aims to those of the Communist International and the literature it sponsored and circulated and which is before this court, the teachings of Marx and Engels are accepted only insofar as they are modified and put into practice by Lenin, Stalin and the Communist International and these teachings without deviation urge not a change of the social system by the use of democratic institutions or legal means, but—

and this is the language of the scholarly judge right in this building this month—

but a revolutionary change by force and violence.

Quickly skipping over to one more quotation:

We have confined ourselves so far to documents introduced by the defendant. How anyone can find in them any advocacy of lawful means for effectuating the aims of communism or even lip service to democratic institutions, is beyond our comprehension, for there is none, as appears more fully from other writings by Lenin, which are in the record.

In one of them he states that the proletarian state can only be achieved "through a violent revolution." This is repeated elsewhere. The Sixth World Congress of the Communist International held in 1928—

the honorable judge went way back to 1928—

states emphatically that Leninism is the dominant approach and that "the overthrow of capitalism is impossible without force, without armed uprising and proletarian wars against the bourgeoisie."

The dictatorship of the proletariat is a revolutionary power based on the use of force and violence against the bourgeoisie.

I won't take longer but I thought it very appropriate. I will say to my colleagues in view of this scholarly gentleman, you say you read

Marxism and Communist literature, never read anything about the use of force and violence. I want to say to you, sir, it wouldn't have been possible in my humble judgment for you to read what you said you read without reading the same material the honorable judge read in whole or in part, and the scholarly judge, in my book, is noted as one of the most scholarly judges in the Federal courts in our country and when he treats a decision he treats it in a scholarly manner.

The committee is here because the United States Congress came to the conclusion several years ago that the American Communist Party for years has been tied up with the Communist International, which, according to the honorable judge, as early as 1928 began writing and preaching use of force and violence and preached it and taught it while you were a member of it.

That is all I have to say. Proceed, Mr. Counsel, please.

MR. TAVENNER. I have no further questions, Mr. Chairman.

MR. DOYLE. Mr. Moulder?

MR. MOULDER. I have already asked my questions.

MR. DOYLE. Mr. Jackson.

MR. JACKSON. I have no questions. I would like to make a brief observation. There are occasions and many occasions when we have witnesses before the committee and we dislike very much to see them take the course of action they pursue. I think by the very nature of your work as a research analyst, your observation, your curiosity, you were in a position to do a unique service to this committee, to the Congress, and to this country in giving all of them the benefits of your personal and trained observations.

In your failure to do so, in spite of your going a half step forward opening the door an inch and admitting your own membership, I place you in no category other than the typical fifth amendment witness, and I think you are deserving of no special consideration from any quarter because of taking that position.

I regret very much as an individual that you have seen fit to do that. That is all I have.

MR. DOYLE. Mr. Scherer.

MR. SCHERER. I have no questions.

MR. DOYLE. Any other questions?

MR. TAVENNER. No, sir.

MR. DOYLE. Thank you, Witness and Counsel. You are excused.

MR. TAVENNER. This is a good opportunity for a break.

(Whereupon the witness was excused.)

MR. DOYLE. The committee will stand in recess for 5 minutes.

(Brief recess.)

MR. DOYLE. The committee will please come to order.

Will you call your next witness.

MR. TAVENNER. Mrs. Anita Schneider, will you take the chair.

MR. DOYLE. Mrs. Schneider, will you raise your right hand and be sworn. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. SCHNEIDER. I do.

TESTIMONY OF MRS. ANITA BELL SCHNEIDER

MR. TAVENNER. What is your name, please?

Mrs. SCHNEIDER. My name is Anita Bell Schneider.

Mr. TAVENNER. Will you spell your last name, please?

Mrs. SCHNEIDER. S-c-h-n-e-i-d-e-r.

Mr. TAVENNER. Mrs. Schneider, it is noted you are not accompanied by counsel. I think you are familiar with the practice of the committee in permitting all witnesses to have counsel who desire it?

Mrs. SCHNEIDER. I don't think I require any, Mr. Tavenner.

Mr. TAVENNER. Are you a native of California, Mrs. Schneider?

Mrs. SCHNEIDER. Yes; I was born in Burbank.

Mr. TAVENNER. Burbank, Calif.?

Mrs. SCHNEIDER. Yes.

Mr. TAVENNER. Where do you now reside?

Mrs. SCHNEIDER. In San Diego.

Mr. TAVENNER. How long have you lived in San Diego?

Mrs. SCHNEIDER. Since 1947.

Mr. TAVENNER. Will you tell the committee, please, briefly what your educational training has been?

Mrs. SCHNEIDER. Yes; I received my bachelor's degree at San Diego State College, my majors were sociology, psychology, and economics.

Mr. TAVENNER. Have you served in any branch of Government service during the period of the war?

Mrs. SCHNEIDER. Yes; I was in the Navy Reserve in 1944 and 1945, I believe. I attended State college after that. I worked for the Federal Bureau of Investigation from 1951 until 1954, December 1954.

I am now employed as a group counselor for the county of San Diego.

Mr. TAVENNER. While you were in the Navy were you a member of the organization known as the WAVES?

Mrs. SCHNEIDER. Yes; I was.

Mr. TAVENNER. How long did you engage in such service, that is, service as a Wave?

Mrs. SCHNEIDER. I was actively in the WAVES for about 17 months. I was in the Naval Reserve for a period of about a year after my discharge.

Mr. TAVENNER. You say you worked for the Federal Bureau of Investigation from 1951 until December 1954?

Mrs. SCHNEIDER. Yes.

Mr. TAVENNER. In what capacity were you employed?

Mrs. SCHNEIDER. I was an undercover agent.

Mr. TAVENNER. In what area of California were you working?

Mrs. SCHNEIDER. Most of the time in San Diego, part of my work was done in Los Angeles, part of it in Sacramento and Fresno, and some in Chicago.

Mr. TAVENNER. Did that employment require you to go through the formality of becoming a member of the Communist Party?

Mrs. SCHNEIDER. Yes; I joined the Communist Party in the summer of 1951.

Mr. TAVENNER. That was in the performance of your duties and not because of any ideological conviction on your part, is that true?

Mrs. SCHNEIDER. I had no curiosity about it before I was asked to join the party by the Deputy Sheriff Newsom.

Mr. JACKSON. Were you in the party as an undercover agent during the time a subcommittee consisting of Mr. Doyle and myself were in San Diego?

Mrs. SCHNEIDER. Yes, I was.

Mr. JACKSON. Did you pass out some broadsides outside of the hearing room, the Chamber of Commerce hearing room during that period?

Mrs. SCHNEIDER. Yes, I gave you one.

Mr. JACKSON. I think you also hissed when I threw it away but I will let that go. I was quite sure that I had seen you before. That is all.

It is a relief to see you again under quite different circumstances.

Mr. TAVENNER. Now it is not my purpose in calling you as a witness here in Los Angeles to go into the question of your activity within the Communist Party in any detailed sort of way. You are subpoenaed as a witness for appearance at San Diego next week. Is that true?

Mrs. SCHNEIDER. Yes, it is.

Mr. TAVENNER. My purpose in asking you to come here is to tell the committee about certain activities in which you were engaged while a member of the Communist Party which would have a special interest to the committee from the Los Angeles standpoint. So I am going to ask you to restrict your testimony as much as you can to things that occurred in Los Angeles. Where it is necessary to give a little background as to the activities in San Diego, that is of course proper, but in the limited time we have I want to confine the testimony as nearly as I can to activities which centered in and around Los Angeles.

After you became a member of the Communist Party at the request of the Federal Bureau of Investigation were you assigned to any particular type of work which necessitated your coming finally to Los Angeles from time to time?

Mrs. SCHNEIDER. Yes, I was. My Communist Party assignment was to become chairman of the San Diego Peace Forum. This necessitated my coming to Los Angeles probably once a month, although it was rather irregular.

Mr. TAVENNER. I want to confine your testimony chiefly to your activity in that organization and related organization.

You say you became the chairman of the San Diego Peace Forum. Was that at the direction of the Communist Party?

Mrs. SCHNEIDER. Yes, it was.

Mr. TAVENNER. Tell the committee, please, just how that occurred, how you received that assignment.

Mrs. SCHNEIDER. The Civil Rights Congress was picketing the Hall of Justice, I believe. Lolita Gibson, Arthur Stevens, and I.

Mr. TAVENNER. What are those names?

Mrs. SCHNEIDER. Lolita Gibson and Arthur Stevens and I, Arthur Stevens and Lolita Gibson were both members of the Communist Party, the three of us drove to Los Angeles and on the way to the civil-rights picket line we discussed what my future job in the Communist Party would be, what my assignment would be. It was discussed whether I should become secretary of the Independent Progressive Party, an officer of the Civil Rights Congress or chairman of the San Diego Peace Forum. Because I had not been known in San Diego as a Communist Party member it was felt that my work would be more valuable in the peace forum. I was assigned to that then.

Mr. TAVENNER. Then you took over the position of the head of that organization?

Mrs. SCHNEIDER. Yes, I believe I still am, Mr. Tavenner, unless they have had a meeting since.

Mr. TAVENNER. That is, you were still head of the San Diego Peace Forum until at least it was known that you were subpoenaed as a witness in these hearings.

Mrs. SCHNEIDER. That is true.

Mr. TAVENNER. When, as nearly as you can recall, did you assume that position at the direction of the Communist Party?

Mrs. SCHNEIDER. I believe it was in August 1951, either August or September 1951.

Mr. TAVENNER. How was the matter handled? There were persons who were active in that organization who were not in any sense members of the Communist Party; weren't there?

Mrs. SCHNEIDER. Yes. The peace forum was originally set up by Dr. Harry Steinmetz and Arthur Stevens in San Diego. It had had several meetings before I was chairman. Lolita and I drove up to see Peter Hyun, head of the Southern California Peace Crusade. He instructed us as to how to set up the peace forum in San Diego, what officers we were to have. I was assigned to the job as chairman. I was to have no other Communist Party members on my executive board.

After we received detailed instructions we returned to San Diego and called an open meeting of the peace forum. No one ran against me, needless to say, and I was elected chairman.

Mr. TAVENNER. Was that the first time that you had met Peter Hyun?

Mrs. SCHNEIDER. Yes, it was, that was the first time I had met him.

Mr. TAVENNER. Peter Hyun was living in Los Angeles at that time?

Mrs. SCHNEIDER. Yes.

Mr. TAVENNER. What did you say was his position in the American Peace Crusade?

Mrs. SCHNEIDER. I am not sure of his exact title. I believe it was executive secretary. He was head of the Southern California Peace Crusade.

Mr. TAVENNER. When you say you and these other Communist Party members came up here to get your assignments and directions, were you getting your directions from Peter Hyun as an official of the Southern California Peace Crusade or were you getting them from him in any other capacity?

Mrs. SCHNEIDER. Both as head of the Southern California Peace Crusade and as a fellow Communist Party member. Peter Hyun described to me the meeting that he had just returned from in Chicago. They had a big peace convention. It was a convention of the American Peace Crusade. It had been decided at that meeting to separate the American Peace Crusade into parts and California would be divided into the Northern California Peace Crusade and I believe under William Kemer, and the Southern California Peace Crusade under Peter Hyun.

Peter Hyun said Mao Tse-tung had taught them the correct Communist Party way to divide up into one small group and when one small group was attacked it wouldn't destroy the others. For this reason we were to form a separate group for the San Diego Peace Forum and of course it was separate only in theory. We were to pay

our share of the expense of the Southern California Peace Crusade and of the American Peace Crusade. They were to send us speakers, they were to send us pamphlets, petitions, and directions on operation of the peace forum.

Mr. DOYLE. May I interrupt, Counsel?

Who did you say Peter Hyun told you had taught him how to manage this? Who did you say?

Mr. SCHNEIDER. He was taught by Mao Tse-tung in China.

Mr. DOYLE. Was Hyun a native-born American or do you know his nationality?

Mrs. SCHNEIDER. I am not sure of his exact national origin. His brother, David Hyun, was born in Korea, I believe. Peter I think was born in Hawaii, which would make him theoretically an American citizen. He has spent some time in China under the direction of Mao Tse-Tung.

Mr. DOYLE. And he told you that definitely he had spent time in China and received instruction from Mao Tse-tung?

Mrs. SCHNEIDER. Yes.

Mr. DOYLE. That is pretty serious business.

Mr. TAVENNER. I think I should remind the chairman that this committee heard considerable evidence in Hawaii in 1949 regarding Peter Hyun, his activities as a member of the Communist Party in Hawaii. And also Alice Hyun, his sister. There was considerable evidence there of the baring of Communist Party documents in which Alice Hyun took a leading part under the direction of Peter Hyun. There were persons who testified that Peter Hyun had endeavored to recruit them into the Communist Party, at least one person so testified.

Mr. DOYLE. Thank you.

Mr. TAVENNER. That may help to identify the individual to you.

Mrs. SCHNEIDER. Mr. Hyun used a very descriptive figure of speech. He said it was like hitting a pillow with your fist. Even though part of it was damaged, the rest was still intact.

Mr. TAVENNER. He was the head of the peace movement, so-called peace movement known as the Southern California Peace Crusade?

Mr. SCHNEIDER. Yes, he was.

Mr. TAVENNER. Will you tell the committee, please, how, from the time of the receipt of those first instructions, you attempted to carry out those directions and what part Peter Hyun had in the matter?

Mrs. SCHNEIDER. Regularly there would be meetings of the Southern California Peace Crusade executive board which I attended part of the time at least. Discussion would be made of the past activities of the peace groups in this area, criticism, constructive criticism, a detailed outline of what their work was to be in the future. They were sold literature, given leaflets, told about issues. We would bring up any problems as far as original activities we wanted to discuss. Then we would return to our own area and in my case it was, I would discuss it with my Communist Party club and then with our San Diego Peace Forum executive board and put them into effect.

Mr. TAVENNER. When you returned the first time after receiving your directions from Peter Hyun in Los Angeles, did you have any difficulty in getting your Communist Party associates there to cooperate fully in the organizing of your peace forum?

Mrs. SCHNEIDER. The Communist Party itself cooperated completely with me. Some of the individuals didn't want to accept the directives. Arthur Stevens had been chairman of both the Independent Progressive Party and chairman of the San Diego Peace Forum up until that time and didn't want to give up his job.

Peter Hyun had told us to elect a chairman, a treasurer and a secretary and to have no other official officers. When Arthur Stevens conducted the meeting at which I was elected he announced his candidacy as program chairman. The other party members thought that naturally this had been authorized and elected him.

Later I was having trouble with him. He wouldn't give up his authority. He still wanted to boss the peace forum. So when one of the speakers came to San Diego and Peter Hyun came with him I brought up the problem. Peter Hyun gave him definite instructions to stay out of the peace forum completely, and he did from then on.

Mr. TAVENNER. Was he told where he was to expend his efforts?

Mrs. SCHNEIDER. He was told to stick to the Independent Progressive Party at that time. These directions were made at the closed Communist Party meeting with Peter Hyun, Sender Garlin, Howard and Lolita Gibson, and that is all I can recollect at the moment. Arthur Stevens also was there of course.

Mr. TAVENNER. How were speakers selected that you were to use in your peace forum?

Mrs. SCHNEIDER. They were the speakers who were on tour for the American Peace Crusade. We would be told approximately their arrival dates in this area at our regional executive board meetings. Then either we would come to Los Angeles and make final arrangements, telephone out or write to Peter Hyun and he would give a definite date for their appearance.

Mr. TAVENNER. Then the speakers that were sent to you were the speakers for the American Peace Crusade?

Mrs. SCHNEIDER. Not always. On one occasion the national chairman of the National Council of American-Soviet Friendship was our speaker. He was arranged for by Peter Hyun, however.

Mr. TAVENNER. What was his name? Do you recall?

Mrs. SCHNEIDER. Yes, Dr. John A. Kingsbury.

He was also a Communist Party member.

Mr. TAVENNER. Did Peter Hyun himself speak on occasions to your organization?

Mrs. SCHNEIDER. Yes, he did. On several different occasions.

Mr. TAVENNER. Did Elizabeth Moos speak?

Mrs. SCHNEIDER. Yes, she did. I think she gave a total of five speeches in that area. We arranged it for her to speak repeatedly in San Diego. She showed movies from the Soviet Union at these meetings and spoke with them.

Mr. TAVENNER. Mr. Chairman, it was our committee that made the first investigation into this field and discovered that the secret post-office box given by the peace organization in New York was actually applied for by Elizabeth Moos. That was just a short time after her son-in-law, William Remington, had been brought before our committee and had testified. There is considerable evidence of Elizabeth Moos's Communist Party membership.

Mrs. SCHNEIDER. Mrs. Moos also said that she had been criticized severely by the Communist Party because they felt that if she had

kept in closer contact with her family some of the testimony would never have been given. She was also a Communist Party member.

Mr. DOYLE. You mean the Communist Party leadership was objecting to an American citizen keeping in touch with her own family?

Mrs. SCHNEIDER. No. They said if Elizabeth Moos had, I don't remember the exact details of the case itself, the William Remington case, either her daughter or William Remington gave testimony for the Government and against the Communist Party. The Communist Party criticized her. They felt if she had remained closer to them and made better friends of them they would not have testified for the Government against the party. She was in very great disfavor for that reason.

Mr. TAVENNER. You say this moving picture was shown by her. Were there other Soviet pictures shown to your group?

Mrs. SCHNEIDER. Yes. She herself showed I think 35 films. The peace forum also showed one called the Mussorgsky, an adventure in Bokhara. The first was arranged through the National Council of American-Soviet Friendship, the second was arranged through the Southern California Peace Crusade. The film was made inside the Soviet Union, and was completely pro-Soviet of course.

Mr. TAVENNER. Here is a telegram addressed to you from Richard Morford relating to that subject. Will you examine it and state whether that is the same matter to which you have just referred?

Mrs. SCHNEIDER. Yes, this is the telegram that I received and underneath it is a bill for the film Mussorgsky, too.

Mr. TAVENNER. I desire to offer the two documents in evidence and ask that they be marked "Schneider Exhibits 1 and 2 (Los Angeles)" for identification only.

Mr. DOYLE. They will be so received and so marked.

Mr. TAVENNER. Do you recall whether those pictures were shown in lieu of your having some other speaker?

Mrs. SCHNEIDER. Yes, I remember that. The Southern California Peace Crusade, Peter Hyun, had arranged to have Hugh Hardyman speak in San Diego. But Peter Hyun had made arrangements for Hardyman to speak in two places, both at peace forum and for the Hillcrest Unitarian Fellowship. It was discussed in party club meetings.

Mr. TAVENNER. When you say party club meetings, what do you refer to?

Mrs. SCHNEIDER. Communist Party club meetings, and it was decided there was too much overlapping of membership, that one group or the other would end up very much in the hole as money goes, that I was instructed by Verna Langer, head of the Communist Party, to come to San Diego and give Peter Hyun definite instructions not to make arrangements for two groups, that the town was too small and not enough people would attend each meeting. I gave him that message.

Mr. TAVENNER. That was all as a result of Communist Party consultation and decision?

Mrs. SCHNEIDER. Yes.

Mr. TAVENNER. I believe you have told us that your peace forum was virtually a branch or was a branch of the California Peace Crusade.

Mrs. SCHNEIDER. Yes, it was the local branch of the Southern California Peace Crusade which was the regional head and of the American Peace Crusade, which was the national group.

It had been broken up following Mao Tse-tung's instructions.

Mr. DOYLE. Mr. Tavenner, may I ask this question: All this time you were an FBI agent; is that correct?

Mrs. SCHNEIDER. That is correct.

Mr. DOYLE. And you also were one of the top Communist leaders in the sphere about which you are testifying?

Mrs. SCHNEIDER. I didn't ever hold an official position in the Communist Party. I was a member.

Mr. DOYLE. You were merely a member. Do I understand from your testimony that top Communist Party leaders in California like Peter Hyun did tell that Mao Tse-tung of China had given certain instructions for things to be done in our country?

Mrs. SCHNEIDER. That is correct.

Mr. DOYLE. Am I correct in that?

Mrs. SCHNEIDER. Yes, you are.

Mr. DOYLE. That the Communist Party in China, the Communist leaders there, were reaching down into the State of California, the citizenship, and telling them what they should do in the Communist Party?

Mrs. SCHNEIDER. Not only on this occasion, Congressman Doyle, also Maud Russell was another speaker for the San Diego Peace Forum. She also gave me directions that Mao Tse-tung had given her. She said one of the instructions he gave her was to read papers like the New York Times. She said the best weapons are their own words. The best weapons to use against them are their own publications. Taken out of context, of course.

Mr. DOYLE. So to your personal knowledge, here were American citizens and the Communist Party in California taking direct instructions from Mao Tse-tung, the Communist leader in China?

Mrs. SCHNEIDER. Yes, sir.

Mr. SCHERER. Pardon me. Do you know whether the two professors who testified here this morning had knowledge of that?

Mrs. SCHNEIDER. No, I don't, but they seemed to be extremely intelligent people, and I don't understand how anyone could even have a superficial understanding of Marxist theory and not understand that it does involve force and violence.

Mr. TAVENNER. Mrs. Schneider, did the San Diego Peace Forum continue through your entire activity down there as an open branch of the Southern California Peace Crusade or was there any change in the organizational setup?

Mrs. SCHNEIDER. There was a change. When Dr. John A. Kingsbury and his wife, Mabel Kingsbury, came to San Diego they remained in San Diego about a week and I was their chauffeur during that time. They stayed at my house part of the time. Dr. Kingsbury gave me instructions to start reporting the meetings of the San Diego Peace Forum to Richard Morford, who was the executive official—I don't know his exact title—of the National Council of American-Soviet Friendship in New York. I was to give him regular reports, keep in close touch with him. He was going to start sending me literature. A couple of months after that when Elizabeth Moos was in San Diego she gave me instructions to start reporting to Reva Mucha, who was head of the American-Russian Institute here in Los Angeles.

Mr. TAVENNER. So that this peace movement which had begun to operate just through the organization of American Peace Crusade was by this time branching out and becoming affiliated with those other two organizations?

Mrs. SCHNEIDER. Yes.

Mr. TAVENNER. And what are those organizations again?

Mrs. SCHNEIDER. The American-Russian Institute and the National Council of American-Soviet Friendship.

Elizabeth Moos was intensely interested in making it a real branch of the American-Russian Institute. I brought it up at my Communist club meeting, discussed it with Verna Langer, head of the Communist Party, and she said although we would work with them closely, San Diego was too small a city to have a branch of the American-Soviet Friendship Council; that we could call it a peace forum and continue to work.

Mr. SCHERER. As far as the Communists involved in this peace movement, it wasn't a genuine peace movement; was it?

Mrs. SCHNEIDER. Not at all.

Mr. SCHERER. It was merely part of the Communist or Russian propaganda?

Mrs. SCHNEIDER. Yes, it was. We received our instruction from Peter Hyun here in Los Angeles. I would go to my Communist club meetings, it would be worked out in very great detail even to the color of the paper that we used to send out our mailing announcements, exactly what would happen at the next meeting.

Mr. SCHERER. You recognized or the Communists recognized that peace was something that everyone wanted and therefore they attached the name of peace or peace movement to this front.

Mrs. SCHNEIDER. That is correct. They felt that in that way we could get the use of churches to meet in, we could involve other people and active church people and union people also. That was another reason for making all the executive board members non-Communists. It was felt they could attract outside people also.

Mr. DOYLE. In other words, it was deliberate fraud and another Communist fraud on the people of California and also elsewhere.

Mrs. SCHNEIDER. Yes, it was. It is.

Mr. DOYLE. You say it is?

Mrs. SCHNEIDER. Yes.

Mr. DOYLE. Is it doing anything now?

Mrs. SCHNEIDER. Yes.

Mr. SCHERER. She doesn't know whether she has been excommunicated or not yet.

Mrs. SCHNEIDER. No.

Mr. SCHERER. You came out from under wraps this morning; didn't you?

Mrs. SCHNEIDER. No, I testified in Washington before the Subversive Activities Control Board in March. That was the first time I testified.

Mr. TAVENNER. We think it is very significant that this switch to the American-Russian Institute in making reports—I hand you a bulletin entitled "Digest of Soviet News," by the Russian-American Institute, and a check for \$2. Will you examine them and tell me what they are, please?

(Representative Jackson left the hearing room.)

Mrs. SCHNEIDER. Digest of Soviet News is a little publication put out by the American-Russian Institute here in Los Angeles. There has been a change in format since that time. I discussed it with Reva Mucha, thinking that it was—well, she thought it would be an excellent idea for me to give her names of people that she could mail it to in San Diego. She said raising the money wasn't important. It didn't matter whether they subscribed to it or not. The important thing was for the information to reach them. I told her I didn't feel I could give her a complete list but if she would mail me copies of this I would see they reached the people. She did that over quite a long period of time.

This check I believe was for my own subscription and may have included some literature with it. I don't remember exactly.

Mr. SCHERER. By this subterfuge which you explained to us, they got a lot of fine people here and elsewhere throughout the country to support this movement which was actually originated and controlled and dominated by the Communist Party?

Mrs. SCHNEIDER. No, sir. I didn't mail them. I destroyed them instead of mailing them. Therefore I did not.

Mr. SCHERER. Maybe you didn't understand my question.

Mrs. SCHNEIDER. Maybe I didn't.

Mr. SCHERER. My question didn't relate to your last bit of testimony, but it related to the formation of this whole organization which you have described. My question was: By this subterfuge of representing that the Communist Party was genuinely interested in peace and using the words "peace movement," which all of us are interested in, the Communist Party succeeded in getting a lot of fine people who gave their support—unwittingly, of course—to this movement.

Mrs. SCHNEIDER. That is true. Richard Morford through the national council sent me many hundreds of dollars in literature explaining that paying for it was completely unimportant, that the important thing was to get it to the people. I was also given literature to take to the ministers of two churches that I attended in an effort to get them to be more active in the peace movement.

Mr. SCHERER. Of course those ministers who did support this did so unwittingly in most instances, did they not? By unwittingly I mean not knowing that the whole program was controlled and dominated and instigated by the Communist Party.

Mrs. SCHNEIDER. We weren't successful in getting them to cooperate at all.

Mr. SCHERER. Those prominent individuals whom you approached and who did cooperate in most instances, did so unwittingly, did they not?

Mrs. SCHNEIDER. Completely.

Mr. SCHERER. Completely unwittingly, but their money and their prestige in the communities and in their various professions was used then by the Communist Party to promote this particular front organization or movement?

Mrs. SCHNEIDER. Yes; it was. The Communist Party felt that through the peace movement many people could be activated in working for peace, particularly people such as I who had a husband in the service and other families with their sons and husbands in service.

Mr. DOYLE. What year was this?

Mrs. SCHNEIDER. This extended the whole time I was active in the peace movement from 1951 until 1954.

Mr. SCHERER. As recently as 1954, did you hear her say, so far as she knew?

Mrs. SCHNEIDER. Our last meeting of the San Diego Peace Forum I can remember was in December 1954.

Mr. SCHERER. Did that movement suggest that the individuals who became part of this write their Members of Congress in order to affect their action on certain legislation?

Mrs. SCHNEIDER. Yes; that was one of our major drives.

Mr. SCHERER. To vote for less appropriations for defense of this country?

Mrs. SCHNEIDER. Bring our boys home from Korea. Five-Power Peace Pact, many other issues of interest to the Communist Party.

Mr. SCHERER. Naturally the Communist Party would be vitally interested in weakening this country. Right?

Mrs. SCHNEIDER. Yes, sir.

Mr. SCHERER. One of the means of doing that would be through influencing well-meaning people to lobby their Congressmen in order to accomplish that, is that right?

Mrs. SCHNEIDER. That is completely true. They carried it out exactly that way.

Mr. TAVENNER. What was the attitude toward the draft bill and appropriations for military training?

Mrs. SCHNEIDER. Well, we carried on as much activity as possible, the group was rather small but we did everything possible following the directions from Peter Hyun in Los Angeles. We collected signatures for "Stop the War in Korea Now," and asking for Five-Power Peace Pact, et cetera, we wrote letters. I received an answer from President Eisenhower's secretary, I believe.

Mr. SCHERER. It was just another way then that the Communist Party acted to weaken this country.

Mrs. SCHNEIDER. Yes; it was a method of putting pressure on Government officials to undertake the action that the Communist Party in this country wanted.

Mr. SCHERER. That is what we refer to as one form of subversion, through the cold war.

Mrs. SCHNEIDER. Exactly.

Mr. TAVENNER. The committee in various places over the country in which it has traveled has found numerous examples of so-called peace literature relating to the Korean war and with various issues that arose near the close and after the close of the Korean war.

To what extent was Peter Hyun responsible for any activity of that character in your group and in the Southern California Peace Crusade movement?

Mrs. SCHNEIDER. He completely directed our actions. At the end of the Korean war it was felt that the need for an active peace movement was less imperative so our Communist Party directed us to go into other forms of activity. We were directed by Peter Hyun at a workshop in May, I think 1953, that we should join other organizations and become the sparkplugs to create committees for peace wherever possible, not to act as the San Diego Peace Forum any longer.

Mr. TAVENNER. Did your group engage in any activity of any character designed to help the Koreans?

Mrs. SCHNEIDER. Yes. Peter had asked for suggestions for issues that might be used. We still needed an issue. The Korean war was over. One of the suggestions made was to attack John Foster Dulles, I believe, the "Down Dulles" movement similar to the attack on Senator McCarthy later. One of the suggestions I made, I discussed with Peter Hyun and Bernadette Doyle here in Los Angeles, I made the suggestion——

Mr. TAVENNER. Were those discussions on the Communist Party level or on the Peace Crusade level?

Mrs. SCHNEIDER. On the Communist Party level.

Mr. SCHERER. You said similar to the attacks on Senator McCarthy later.

Mrs. SCHNEIDER. Yes.

Mr. SCHERER. Ought we to interrupt to find out what that was? Tell us about that.

Mrs. SCHNEIDER. I am leading to it. I am anti-McCarthy. But one of the major plans of the Communists a couple of years ago was an attack on Senator McCarthy, to get rid of Senator McCarthy.

Mr. SCHERER. Will you tell us something about the program and methods in the attempt to get rid of Senator McCarthy?

Mrs. SCHNEIDER. Just discredit him in general, in every way possible, distribution of leaflets, we had many leaflets given us on that, attacking his war record, attacking his personal history. It was written I think, formally in the Communist Party platform.

Mr. SCHERER. And the material in the leaflets and the substance of those leaflets were supplied originally then by the Communist Party?

Mrs. SCHNEIDER. Yes.

As I was saying, you asked me about other activities. The suggestion I made for an issue to be used that we could base our peace forum activity on, was the collection of clothing for Korean children. I know the Quakers had undertaken such a drive. I felt if we used that as a basis for the American Peace Crusade that we could show people how tragic war was, what its effect was on families, as my Communist Party contribution. I suggested it to Bernadette Doyle and Peter Hyun, but they said no, that we shouldn't collect clothing for Korean children because the clothing would go to the South Korean children as well as to the North Korean children. If clothing was sent to the South Korean children it would be necessary for the United States to give them less aid. By not giving the Southern Korean children food and clothing, the Government of the United States would have to do so and it would cut down on the resources of the Government. Bernadette Doyle and Peter Hyun both said for that reason it was not a good issue.

Mr. TAVENNER. There was no real interest in helping the Korean children as such. It was just what value could be made out of it as a Communist Party issue.

Mrs. SCHNEIDER. In fact, the idea was vetoed for that very reason, because it would cost the United States Government money if they vetoed it. So they did. In spite of the fact that both North Korean children and South Korean children would freeze.

Mr. SCHERER. That is a little inconsistent with the philosophy of communism that is preached to the masses, isn't it?

Mrs. SCHNEIDER. It isn't inconsistent with the actual philosophy of the Communist Party, however.

Mr. SCHERER. Actual philosophy. That is why I qualified the statement by saying philosophy preached to the masses.

Mrs. SCHNEIDER. Yes.

Mr. SCHERER. In order to attract them to the Communist standards.

Mrs. SCHNEIDER. Yes; if it was something going on to cost the United States Government money every person in Korea can starve.

Mr. SCHERER. But on the surface the philosophy that is preached to the masses is that the Communist Party would be the first to help the Korean children.

Mrs. SCHNEIDER. Sure.

Mr. SCHERER. Actually of course they didn't practice what they preached.

Mrs. SCHNEIDER. Not at all.

Mr. TAVENNER. You referred earlier in your testimony to Dr. John A. Kingsbury being a member of the Communist Party. Will you tell the committee, please, on what you base that testimony, that statement?

Mrs. SCHNEIDER. Yes. Dr. Kingsbury stayed at my home several days and stayed in San Diego a longer period of time.

Mr. TAVENNER. Can you fix that date approximately?

Mrs. SCHNEIDER. It would have been in the winter of 1953, I believe, January of 1953, I think. I have a little difficulty remembering. It was a long time ago.

Mr. TAVENNER. Very well. Proceed. What occurred?

Mrs. SCHNEIDER. At that time in San Diego the Communist Party was having no educational activity of any sort. I appealed to Dr. Kingsbury for suggesting what we could do in San Diego with the lack of leadership we had. Dr. Kingsbury told me how he had set up Communist Party discussion groups at his home, leadership was not important, that it could be done just by group discussion instead. He said that in his Communist Party discussion group they had invited speakers such as the Secretary of the Soviet Embassy in Washington, the one being deported for espionage right at that time.

Nathaniel Weyl was a frequent visitor to that group. Nathaniel Weyl, Jr., I think, was one of Alger Hiss' fellow Communist Party club members. Dr. Kingsbury told me of his early activities before the Communist Party was organized in the Socialist Party, and how he became a Communist when it was set up. He told, he discussed Marxist theory with me and found that I was weak in dialectical materialism. He suggested that I take a course at the California Labor School in San Francisco in dialectical materialism which is Communist Party philosophy. He asked me if I, first he asked me about crossing the border near San Diego. How hard it would be for people to go back and forth across without passports, for example. He asked whether he or Paul Robeson could go back and forth without being questioned. I said probably they couldn't but anybody else could, that they were too well known. He asked me if I would be willing to carry messages back and forth across the border, and I told him I would, and he said I would be contacted about a month later.

The Communist Party discussed it, however, and since my husband was still in the Navy the idea was vetoed.

Mr. TAVENNER. Why was that?

Mrs. SCHNEIDER. They felt that as long as my husband was in the Navy and had not been given a dishonorable discharge it was better to keep my open Communist Party activities at a minimum. Actually what they had in mind was that his job could be used as a weapon against him. If I became active in something of that sort he would be blackmailed into giving information against the Communist Party. I discussed my husband's Navy career with Dr. Kingsbury asking him if my husband should reenlist, and Dr. Kingsbury said it didn't matter since he only had a few years to go in regard to retirement.

He said any way we have Communist Party at all levels of all of the branches of the Armed Forces and he didn't see why my husband should make any difference, that he should not go out of the Navy.

Dr. Kingsbury also spoke of his trips inside the Soviet Union. He suggested I go to the Stockholm Peace Conference and showed me how easy it would be for me to go across the bay into the Soviet Union. He said he would give me the names of his personal friends within the Soviet Union whom I could contact when I went. He suggested I take a course in the Russian language being offered here at the high school.

That is all I can remember right now. He said he knew he was just being used really as a front in the National Council of American-Soviet Friendship because of his age, it wasn't possible for him to be very active in it but that they were welcome to his name if they wanted it.

I remember something else Dr. Kingsbury said. He offered to give me the names of some of the people inside the Soviet Union that he had escorted around over the country. I said it would be rather hard to write back and forth to them. He said no, on the contrary it was very simple because letters or gifts or messages could be brought back and forth through the Soviet Embassy and it was never questioned when it was done in that way.

Mr. TAVENNER. That means use of the diplomatic pouch.

Mrs. SCHNEIDER. Yes; it does.

Mr. TAVENNER. Was any discussion had as to how passports would be obtained to travel in China. Do you recall any discussion of that subject?

Mrs. SCHNEIDER. I remember Dr. Kingsbury said he was chosen to go to the Chinese Peace Conference, especially, because he was already abroad and didn't have to get an American passport. He said there was never any problem if you were an accepted party member, there was never any problem within the Soviet Union or within the People's China. He said when he went to China they had assigned someone to be a ghost writer for him and this young woman had written articles that they put in the newspaper under his name and he was then paid for them. That paid the expenses.

He said the same thing was done inside the Soviet Union, they would assign someone to him, he would discuss with them and they would write the article, it would appear in the Soviet Union and he would be paid for it and that would cover his expenses completely.

Mr. DOYLE. Who was this Dr. Kingsbury? What was his connection? Where was he from?

Mrs. SCHNEIDER. Dr. Kingsbury was chairman of the National Council of American-Soviet Friendship at the time. He was, I hate

to admit it, he was one of the New Deal fellows in Washington, D. C. He referred to Harry Hopkins as his protege, his boy. He said that an interview Harry Hopkins had with Stalin would never have taken place if Dr. Kingsbury hadn't given Hopkins leaflets and pamphlets and discussed it with him. Therefore, Stalin was willing to talk to him a longer time because Hopkins knew what he was talking about.

Mr. DOYLE. Thank you.

Mr. SCHERER. Where is Kingsbury today?

Mrs. SCHNEIDER. The last I heard he was still living in Connecticut.

Mr. SCHERER. Doctor of what?

Mrs. SCHNEIDER. I think his degree was in education. I am not certain.

Mr. DOYLE. I think you indicated he was an elderly man.

Mrs. SCHNEIDER. Yes.

Mr. DOYLE. Do you know whether or not he was a member of the Communist Party at the time you conferred with him?

Mrs. SCHNEIDER. Yes, he was.

Mr. DOYLE. You know that of your own personal knowledge?

Mrs. SCHNEIDER. Yes. He gave me a long list of books that I should read to increase my Marxist understanding, he discussed what my shortcomings were and my weak spots in my knowledge of Marxist ideology.

Mr. MOULDER. When did all these conversations take place?

Mrs. SCHNEIDER. During the week that he stayed with me in San Diego in January or February of 1953.

Mr. DOYLE. Was that he and his wife?

Mrs. SCHNEIDER. Yes.

Mr. TAVENNER. I have before me a photostatic copy of a letter dated December 29, 1952, written to you by Peter Hyun, asking that you make some arrangements for Dr. Kingsbury to come to San Diego. Does that letter have reference to the trip you have been speaking of?

Mrs. SCHNEIDER. Yes; he helped make the final arrangements for his appearance in San Diego.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Schneider Exhibit No. 3."

Mr. DOYLE. So received and so marked.

(The exhibit referred to is as follows:)

SCHNEIDER EXHIBIT No. 3, LOS ANGELES

SOUTHERN CALIFORNIA PEACE CRUSADE

ROOM 310 • 326 WEST 3RD STREET • LOS ANGELES 12, CALIFORNIA

MUTUAL 1293

12-29-52

Mrs. Anita Schneider
4168 Charles Street
La Mesa, Calif.

Dear Mrs. Schneider:

I am sending you this note to tell you of our mass meeting which is announced in the enclosed leaflet, but more particularly I want to tell you that Dr. and Mrs. Kingsbury plan to go to San Diego from here after our Embassy meeting. If you could arrange a meeting for him and his wife, who also has a great deal to offer, for the weekend of the 9-10-11 of January, they will be very happy to speak. We also enclose a few data on the biography of Dr. Kingsbury which might help. Please let us know immediately so that we can make the necessary arrangements with Dr. Kingsbury.

Your financial responsibility would be their traveling and living expenses (I am sure they will be glad to live with any friends if that were possible) plus a minimum of \$25.00 for the engagement. In any case, you have to decide quickly and let us know definitely of your plans.

Regards from all of us.

Sincerely yours,

Peter Hyun
Peter Hyun
Exec. Director

P.S.

*we shall send you the
biographical notes on
Dr. Kingsbury ~~which~~
in separate letter*

Mr. TAVENNER. After Dr. Kingsbury left San Diego, did you receive a letter from him?

Mrs. SCHNEIDER. I received a letter from Mabel Kingsbury, Mrs. Kingsbury, after that.

Mr. TAVENNER. I hand you a letter bearing date of February 18, 1953, which closes "sincerely yours, John and Mabel Kingsbury," and ask you if that is the letter to which you referred.

Mr. DOYLE. Was that the husband and wife that lived in your home in San Diego about a week?

Mrs. SCHNEIDER. Yes, they stayed in my house I think about 3 days and because they were crowding our family they stayed in a San Diego hotel for the rest of the time and I would take them out and drive them around town.

Mr. TAVENNER. I would like to read a part of this letter, dated February 18, into evidence instead of placing the whole letter in evidence.

Dear ANITA: I wonder if you think about us as often as we think and talk of you and your lovely family and comfortable home where we spent such delightful days. And we are eager to hear from you. How did the pictures of Mr. Kingsbury come out?

The next paragraph, Mr. Chairman, relates to staying at certain individuals' homes in Seattle, or in the State of Washington, which probably has no place in this record, so I will skip that.

Then the letter closes with:

Warmest regards and good wishes to you all and sincere thanks for all you did for us.

Sincerely yours,

JOHN and MABEL KINGSBURY.

Mrs. SCHNEIDER. Also in addition to the letter they sent me the book, The Truth About the Soviet Union, by Sidney and Beatrice Webb, I believe.

Mr. MOULDER. The testimony about Dr. Kingsbury, as to what his official position was or what his association was with the Communist Party is not clear in my mind.

Mrs. SCHNEIDER. I don't know what his exact job was in the Communist Party. He gave me detailed instructions, however, on how to set up Communist Party discussion groups, told how he had done so in his area.

Mr. MOULDER. Was he assigned to confer with you for that specific purpose by someone?

Mrs. SCHNEIDER. No. You see, he was on the national level but he was traveling around the country as a speaker. He was just giving me fellow comradely advice.

Mr. MOULDER. He happened to be in San Diego making a speech?

Mrs. SCHNEIDER. For the San Diego Peace Forum.

Mr. TAVENNER. At the request of Peter Hyun.

Mrs. SCHNEIDER. Yes.

Mr. MOULDER. He was there at Hyun's request?

Mrs. SCHNEIDER. Yes.

Mr. MOULDER. You have quoted him on some of the statements made expressing his opinion or what purported to be his knowledge about someone else. Mr. Chairman, I have forgotten the exact instances where that occurred, but I think in those instances where it does occur it should be stricken from the record.

Mr. DOYLE. Probably that is true. What do you have in mind?

Mr. MOULDER. For example, Harry Hopkins or any Government official. I don't care who they are. When hearsay of that sort is brought up when somebody said something to her about somebody else, the man is dead, he can't deny it, and certainly any reflection on the New Deal and that sort of thing I think has no place in this record.

Mr. SCHERER. Practically all her testimony relates to conversation with Kingsbury.

Mr. MOULDER. I am not criticizing. I say it should not be in the record.

Mrs. SCHNEIDER. I am a New Deal Democrat myself.

Mr. MOULDER. It doesn't matter whether you are or not. It is what goes in the record.

Mrs. SCHNEIDER. I used that as a way of explaining what his position was of importance in the Government during the period of time.

Mr. MOULDER. What I am saying is not based upon my opinion or affiliation with a political party. I am saying that it is a question of law and by fair rules of evidence I don't think what somebody said to you about somebody else should go into the record, regardless of who it is about.

Mrs. SCHNEIDER. I probably should have given you other jobs he had. I think he was very important in the city of New York, I think he was head of their entire medical department or something of that sort. He is in Who's Who in this country. Was for years.

Mr. DOYLE. What is your thought?

Mr. SCHERER. The only time we have excluded hearsay evidence in the 2½ years I have been on this committee, and it has been the rule, is relative to identification. The identifications of persons in the Communist Party must be positive, direct evidence, but I have sat and listened here today to hearsay evidence and we have always taken hearsay evidence of the kind we are discussing now.

Mr. MOULDER. You can prove anything by hearsay evidence.

Mr. SCHERER. I understand that, but this is not a judicial body and all congressional committees take hearsay evidence and we have a specific rule, however, which requires only direct and positive evidence, and I think it is a good rule, when one is identifying an individual as a member of the Communist Party. And we followed that religiously.

Mr. MOULDER. What was said about Hopkins and his association with Stalin.

Mr. SCHERER. I think it is very pertinent evidence, evidence at a very high level.

Mr. DOYLE. Could you go back and read that, Mr. Reporter, and identify that?

(The reporter read from his notes as requested.)

Mr. SCHERER. That answer given by the witness was in response to your question, Mr. Chairman, as to who Kingsbury was and what position he occupied.

Mr. DOYLE. If that goes out, much of the witness' testimony here was volunteered conversation.

Mr. SCHERER. I didn't ask the question.

Mr. MOULDER. You know what I am getting at.

Mr. SCHERER. The chairman asked the question.

Mr. MOULDER. I reserve the right to object to the question and take it up with the full committee. I wish to reserve it and I will leave it to

the committee. Here is a man bragging about his importance, his experience, and knowledge and association with certain important men and in relating it to another person who in turn relates it to the committee, I don't think it is sound evidence or that it is relevant or material.

Mr. DOYLE. Your reservation and right to object before the whole committee will be noted and reserved.

Mr. TAVENNER. In the course of these occasions when you were required to report to Peter Hyun in Los Angeles, did you have occasion to meet other persons who became known to you to be members of the Communist Party?

Mrs. SCHNEIDER. Not very many. Most of the Communist Party meetings were in very small groups. I met other members on the executive board of the Southern California Peace Crusade, but not in their capacity as Communist Party members. I did, however, meet Reva Mucha in that way as a fellow Communist Party member. Some of the speakers that came to San Diego that were sent to San Diego by the Southern California Peace Crusade were also known to me as Communist Party members.

Mr. TAVENNER. Do you have any knowledge of whether the Korean Independence, a newspaper published in Los Angeles, was used by the Southern California Peace Crusade?

Mrs. SCHNEIDER. Yes; I remember at one workshop meeting, I don't remember the exact date offhand, Diamond Kim, the editor, spoke. They urged subscriptions to the Korean Independence; they urged all of us to subscribe to it, of course.

Mr. TAVENNER. Were you acquainted with Diamond Kim personally?

Mrs. SCHNEIDER. I met him at that conference, but that was the only way I knew him.

Mr. TAVENNER. Then throughout practically the entire period when you were a leader in the so-called peace movement, the San Diego Peace Forum, you were in consultation with your Communist Party group which had assigned you to that job, and you were in contact with Peter Hyun who gave directions as to its operations; isn't that in substance what your testimony is?

Mrs. SCHNEIDER. That is correct. We were given directions on issues on strategy and I was given those directions by Peter Hyun. I would take those directions to my Communist Party club meetings; they would be worked out in detail; the tactical methods of carrying them out in San Diego would be worked out in detail at our Communist club meetings.

Mr. TAVENNER. Mr. Chairman, I think that is all I desire to ask this witness here on this subject.

There is other information I want from her but it will relate more directly to the San Diego area.

Mr. MOULDER. What period of time were you so engaged in this work?

Mrs. SCHNEIDER. From I believe—well, from March 1951 Deputy Sheriff Robert Newsom asked me to start attending meetings. I joined the Communist Party in about August after I had started working for the Federal Bureau of Investigation.

Mr. MOULDER. That was what year?

Mrs. SCHNEIDER. That was 1951, also. I remained in the Communist Party, I worked for the Federal Bureau of Investigation until December 1954 but I wasn't thrown out of the party until the first week in January.

Mr. MOULDER. Mr. Tavenner, do you intend to ask questions concerning the membership of which she had knowledge?

Mr. TAVENNER. Yes; but that relates to the San Diego area, and would not be of any particular value to the committee here.

Mrs. SCHNEIDER. Mr. Tavenner, I made a statement that I would like to explain. I said I was thrown out of the Communist Party, and I would like to explain it.

The head of the Communist Party found out that I was leaving San Diego, I had rented my home and was packing. The day I left Verna Langer called and asked me to come to her home, asked what I was doing. I explained what I was doing. She said she hated to do it but under the circumstances she had to inform me I was no longer a member of the Communist Party. They don't let you move from one place to the other without Communist Party approval prior to your moving.

Mr. TAVENNER. Just to bring your recollection up to date, Mr. Chairman, Verna Langer was uncovered as a member of the Communist Party in Michigan during the course of one of our hearings there. All we were able to find out about her then in Michigan was that she had been sent by the Communist Party to California. During the course of our investigation at San Diego we found her the head of the Communist Party in San Diego.

Mr. DOYLE. Any other questions?

Mr. MOULDER. Mr. Tavenner stated this witness of course will testify in San Diego, I assume, next week before the committee there?

Mr. DOYLE. Yes.

Mr. MOULDER. All this information will be brought out there.

Did you have any contact with any of the Communist Party leaders in the Los Angeles area while you were working in the San Diego area?

Mrs. SCHNEIDER. I had contact with some of them. I met in closed Communist Party meetings Bernadette Doyle, Celia Shermis, who was head of the Communist Party in San Diego when I first joined—is living in this area now—John and Dorothy Kykyri. John Kykyri was head of the Communist Party club for some time. I believe now he—the last I heard he was employed by the People's World here in Los Angeles. I met Beatrice Steinberg, who is the wife of one of the Smith Act defendants.

I met Frank Spector. Frank Spector I knew as a Communist Party member.

Mr. MOULDER. Did you know him here among the Los Angeles cells?

Mrs. SCHNEIDER. No. I met him when he came to San Diego to speak for the Civil Rights Congress.

I met Isobel Cerney, active in the San Francisco area.

Mr. TAVENNER. She was from the San Francisco area instead of from Los Angeles; is that what you mean?

Mrs. SCHNEIDER. Yes. I met Rose Chernin. Marguerite Robinson I knew as a Communist Party member from this area. Emil Freed I knew as one. I can't remember any others right now.

Mr. DOYLE. Any further questions?

Mr. MOULDER. I have none.

Mr. DOYLE. Mr. Scherer?

Mr. SCHERER. I have none.

Mr. DOYLE. I have one question that might lead to two.

You said this: "It was discussed whether I should become secretary of the Independent Progressive Party." I think you related that that discussion occurred between you and two other Communists.

Mrs. SCHNEIDER. Yes.

Mr. DOYLE. What did the Communist Party have to do with saying whether or not you could become secretary of the Independent Progressive Party?

Mrs. SCHNEIDER. We were taught in our Communist Party club meetings that the Independent Progressive Party was originally formed by the Communist Party with the idea of splitting the Democratic Party. It was felt that the head, who ran for President, Henry Wallace, had enough following that he could carry a large portion of the Democrats with him when he withdrew from the Democratic Party, and formed his own. It was a wish on the part of the Communist Party to form a third party. They felt that the United States was ready for it.

I was active in the Independent Progressive Party. I was on the county central committee at one time. I was State secretary, secretary of the State convention, I was delegate to the national convention.

Everything I saw showed to me that the Communist Party was in complete control of the Independent Progressive Party down to the last detail.

Mr. DOYLE. May I ask you this question: I have heard testimony and evidence within the last couple of years or so that those who were or are in the Independent Progressive Party who went into it from the Communist Party or from other parties, are undertaking to infiltrate and control both the Democratic and Republican Parties in California. In other words, they are going into Democratic and Republican committees wherever they can get a chance.

What is your knowledge of that, up to the time you were expelled from the Communist Party in San Diego, less than a year ago?

Mrs. SCHNEIDER. That is exactly true, Congressman Doyle. We were instructed, John Kykyri was head of the San Diego Communist Party at that time. It was discussed in great detail. I was told to change my registration from the Independent Progressive Party to the Democratic Party and I did so. The wife of the head of the Communist Party, Dorothy Kykyri, with whom I also met in our closed Communist Party meetings, actually drove to the registrar of voters with me and she also changed her registration to Democratic at that time. That is one of the basic platforms of the Communist Party, to change to one of the major parties. We were told we had to go where the people are, that evidently this country was not ready for a third party, that the Independent Progressive Party was a mistake, that superficial political activity would be carried on at the last election but that was all, that we should go into the other political parties.

It was decided to set up a third party a little bit in the future as soon as the country seemed ready for it. It would be formed of small farmers, Negro people, working people, and then it would be a real labor party, that the Independent Progressive Party just wasn't ready.

Mr. DOYLE. One reason I asked that question was because this committee is assigned by Congress to investigate the extent to which Communists are undertaking to infiltrate and control at any level of American life whether it is Republican or Democratic or where it is.

I think the leadership and membership of both the major parties in California ought to take notice of your testimony and realize that the Communists registered as IPP's, those who are Communists, but registered as IPP's, are still Communists in heart and soul and they are trying to infiltrate the Democratic and Republican Parties in this State, no question about it. We ought to have our eyes open. It is pretty serious business.

Mrs. SCHNEIDER. I was ordered into and became active in the Thirtieth District Young Democrats. I became successful to the extent of setting up meetings at which Rev. A. A. Heist spoke in San Diego against your last San Diego meeting.

Mr. DOYLE. You were giving handbills out, as Mr. Jackson called to your attention, you gave him one and gave me one at the door downstairs.

Mrs. SCHNEIDER. Yes, the money for the leaflets was given to me by the Communist Party, \$40 was given to me to pay for our hall rent to pay for the stamps, the paper, Dave Starcovik, a fellow member of the Communist Party in San Diego, helped me mimeograph them. We mimeographed them at the Independent Progressive Party office. They were handed out by 1 ex-Communist Party member and 1 Communist Party member at the hearings. We discussed it in great detail just how that meeting would be handled, and it was done completely under Communist Party instructions.

Mr. MOULDER. You say the FBI instructed you to join—

Mrs. SCHNEIDER. No, the Communist Party instructed me to do so. The FBI became very concerned about it and in fact they discouraged me from becoming active in it. They did not want reports on what the Democrats were doing in their activities and were only interested in the part of my reports that related to the Communist Party activity directly.

Mr. SCHERER. You mean the FBI didn't want those reports?

Mrs. SCHNEIDER. They did not want reports on the operations of the Democratic Party. I was told that very definitely and repeatedly.

Mr. TAVENNER. May I ask you, when you say this entire matter of putting out these pamphlets in San Diego was organized and paid for by the Communist Party, did you go to the Democratic Party organization, that is, the Young Democratic organization and obtain approval of doing this thing that you did, or not?

Mrs. SCHNEIDER. The 30th District Young Democrats was just a paper organization set up by a politician in an attempt to gain votes in the Democratic County Council. It was not an active organization at all, which is why I infiltrated it so successfully. The Democrats who attended were very pleased because we were able to get a bunch of left-wingers together. They thought they were just plain, ordinary Democrats in the club.

Mr. SCHERER. What year did this take place?

Mrs. SCHNEIDER. April of 1954.

Mr. TAVENNER. Since we are on this subject, I would like to ask you whether or not you were in constant contact with the members of

the Communist Party in San Diego during the course of the committee hearings there.

Mrs. SCHNEIDER. Yes. I think I probably had one of the only television sets in San Diego and the hearings were televised. We were ordered at our Communist Party clubs not to attend the hearings after we had distributed our leaflets, because we might be subpoenaed in the hearing room. That was the reason given and they knew photographs were being taken so most of the Communist Party members came over to my house and they all sat around the television set and groaned.

Mr. DOYLE. About how many Communist Party members in San Diego came to your house to see the Un-American Activities Committee hearings on television?

Mrs. SCHNEIDER. Off and on, probably only about 10.

Mr. DOYLE. You mentioned David Hyun.

Mrs. SCHNEIDER. Yes.

Mr. DOYLE. I think you mentioned him as the brother of Peter Hyun.

Mrs. SCHNEIDER. Yes.

Mr. DOYLE. What was David's connection, to your personal knowledge, if any, with the Communist Party activities?

Mrs. SCHNEIDER. David Hyun was a speaker for the Civil Rights Congress in the summer of 1951, I believe, one of the first meetings I attended. He was being deported, I believed, he is still subject to deportation. He has been held at Terminal Island off and on since then.

Mr. DOYLE. What is your personal knowledge, if any, as to whether or not he was at the time you knew him a member of the Communist Party?

Mrs. SCHNEIDER. I have no knowledge on that.

Mr. DOYLE. You have no personal knowledge?

Mrs. SCHNEIDER. No.

Mr. DOYLE. Any other questions?

Mr. TAVENNER. What was the effect upon the Communist Party in San Diego as far as you could determine of the hearings that were conducted there?

Mrs. SCHNEIDER. For probably a 4-month period there were very few meetings, actually the Communist Party was almost completely inactive during that period with the exception of our one Democratic meeting. Since then San Diego has been very poorly organized, I know it has never recovered from the last hearings. We haven't had one successful meeting since that time, not one.

Mr. DOYLE. Any other questions?

Mr. TAVENNER. When you referred to the Democratic Party meeting, were you referring to this same organization that you spoke of a moment ago, where the Communist Party used it to put out these pamphlets?

Mrs. SCHNEIDER. Yes, I was.

Mr. TAVENNER. I have no other questions.

Mr. DOYLE. Any further questions?

Thank you, and on behalf of the United States House of Representatives, through this committee, it is my pleasure and pride to compliment you on the service you rendered this committee. It must have been a serious inconvenience and sacrifice to you and your family in many ways to enter the service of the FBI for this term of years and to do this thing which must have been very unpleasant

and to repugnant to you. We want to congratulate you and thank you for the service you rendered.

With that the witness is excused and unless there is something further——

Mr. TAVENNER. We know there is at least one witness here now who was subpoenaed for today. I suggest if you want to begin at 9 you announce it publicly and that witness will have to be here at 9 instead of 9:30.

Mr. DOYLE. I recess this meeting of the committee at this time, to reconvene tomorrow morning at 9 o'clock and I will instruct the witness who was subpoenaed to appear today, and any witness in the room subpoenaed for today, reappear tomorrow morning at 9 o'clock.

Mr. TAVENNER. I think there are several witnesses in the hearing room who are under subpoena so make it applicable to all.

Mr. DOYLE. That is why I said all witnesses who were subpoenaed to report here today report here in the morning at 9 o'clock.

I want to thank the audience again for being so courteous and cooperative.

(Whereupon, at 5:30 p. m. the committee was recessed, to reconvene at 9 a. m. the following day, Tuesday, June 28, 1955.)

INVESTIGATION OF COMMUNIST ACTIVITIES IN THE LOS ANGELES, CALIF., AREA—PART 1

TUESDAY, JUNE 28, 1955

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Los Angeles, Calif.

PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met at 9:30 a. m., pursuant to recess, in room 518, Federal Building, Los Angeles, Calif., Hon. Clyde Doyle (chairman of the subcommittee) presiding.

Committee members present: Representatives Clyde Doyle (chairman); Morgan M. Moulder, Donald L. Jackson, and Gordon H. Scherer.

Staff members present: Frank S. Tavenner, counsel, and William A. Wheeler, investigator.

Mr. DOYLE. The committee will please come to order and we will begin our morning session.

Let the record show that Congressman Scherer of Ohio, Congressman Jackson of California and Congressman Doyle of California, are here, constituting a quorum of the subcommittee of 4. Mr. Moulder will be here in a few minutes.

I want to again thank the audience who are guests of the committee for their courteous cooperation yesterday.

Are you ready to proceed with your first witness?

Mr. TAVENNER. Yes, sir. Angela Clarke.

Mr. DOYLE. Will you please raise your right hand and be sworn? Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Miss CLARKE. I do.

Mr. DOYLE. Please take a chair and be seated.

TESTIMONY OF MISS ANGELA CLARKE, ACCOMPANIED BY COUNSEL, ROBERT KENNY

Mr. TAVENNER. Will you state your name, please?

Miss CLARKE. Angela Clarke.

Mr. TAVENNER. Is Angela Clark your professional name?

Miss CLARKE. That is correct.

Mr. TAVENNER. What is your actual name?

Miss CLARKE. You mean my married name?

Mr. TAVENNER. Yes.

Miss CLARKE. Angela Wilkerson.

Mr. TAVENNER. Will you spell the last name, please?

Miss CLARKE. W-i-l-k-e-r-s-o-n.

Mr. TAVENNER. Are you a native of California?

Miss CLARKE. I was born in New York.

Mr. TAVENNER. Do you now reside in Los Angeles?

Miss CLARKE. Yes.

Mr. TAVENNER. At this time I would like counsel to identify himself for the record, please.

Mr. KENNY. My name is Robert Kenny from Los Angeles.

Mr. TAVENNER. How long have you lived in California?

Miss CLARKE. Since 1937.

Mr. TAVENNER. Will you tell the committee, please, what your profession is?

Miss CLARKE. I am a free-lance actress.

Mr. TAVENNER. Have you been engaged in the field of acting since 1937 when you moved to Los Angeles?

Miss CLARKE. Yes, that is correct.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Miss CLARKE. I went through elementary school, public school, then I went to an academy; after that I went to Columbia Extension School of Journalism for a very brief time. At the same time I had—no, shortly after that I had won the scholarship for an acting school in New York. Before that I also went to the National Academy of Design, and while I was in elementary school, I am a little confused, I also went to the Art Students League.

Mr. TAVENNER. During the period you have been in California have you been employed in a way different from that of being a free-lance actress?

Miss CLARKE. Yes.

Mr. TAVENNER. What has been the nature of that employment?

Miss CLARKE. Oh, I worked as a cashier in a restaurant, I sold hats in a department store.

Mr. TAVENNER. I was referring to the profession of acting.

Miss CLARKE. Oh, I am sorry. I thought you said work generally. Yes, I worked on the stage and I did some radio.

Mr. TAVENNER. During what period of time did you work on the stage?

Miss CLARKE. Well, the work that I did didn't have pay. I appeared in plays and it would be a play 1 year and maybe several years later I might have a chance to appear in a play. There wasn't any continuity to the employment.

Mr. TAVENNER. In a general way what was the period covered by that type of employment?

Miss CLARKE. Mixed in with the other, all sort of tied in together. About 1938 until, oh, I would say about—I am pretty poor on dates.

Mr. TAVENNER. You stated you were employed as an actress in radio?

Miss CLARKE. Yes.

Mr. TAVENNER. Will you tell us over what period you were so employed and by whom?

Miss CLARKE. Is there any specific matter in relationship to my work that you wish to question me about?

Mr. TAVENNER. Yes, there is.

Miss CLARKE. I object to the question on the ground that it doesn't pertain to any legislative matter and I wish the chairman to formally rule that I do answer on that.

Mr. DOYLE. Miss Clarke, we believe it is pertinent and germane to these preliminary questions, and I direct that you answer it.

Miss CLARKE. What was the question again, please?

Mr. TAVENNER. Will you read the question, please.

(The reporter read from his notes as requested.)

Miss CLARKE. You said something about radio, too.

Mr. TAVENNER. Yes.

Miss CLARKE. In about 1938 I worked on a program called Big Town and then there was some odd individual shows which I don't remember. One particular show or another, I can't recall the names of those. But Big Town I believe was the only national program, one of real renown that I was on. Then recently about 2 years ago I appeared on the Lux Radio program. I imagine that is about 2 years ago.

Mr. TAVENNER. Between 1938 and 2 years ago weren't you employed in the radio field as an actress?

Miss CLARKE. Not really, no.

Mr. TAVENNER. Was it in motion pictures then that you were engaged during that time?

Miss CLARKE. Primarily, yes.

Mr. TAVENNER. Will you describe what your employment was in the moving-picture field between 1938 and 1953?

Miss CLARKE. I played character parts. Is that what you mean? Character parts.

Mr. TAVENNER. I am asking you.

Miss CLARKE. Well, I should remember the first one, but I don't. It was a small part at Republic and then the second one I remember was the Hunchback of Notre Dame, at RKO. I remember on the strength of that performance, which was a very small one, they wanted me to appear in other pictures, but I was stricken with an illness which forced me to go to the hospital and I couldn't avail myself of the opportunity. I don't know if you are familiar with the acting business. It is a very difficult one to really get in. And if you have the good fortune to get what actors call a good part in a good picture, this is like a windfall because that part acts as agent for you to get other jobs. It was a real unfortunate happening for me to have to go to the hospital because when you are not hot, as they call it, they forget you and this one part in the Hunchback would have helped me to move on in that field more regularly, but I couldn't avail myself of that because I was ill.

Mr. TAVENNER. Approximately what was the date of your work at Republic that you spoke of?

Miss CLARKE. It, I believe, was around 1938 or around that time.

Mr. TAVENNER. And what was the date of your work at RKO?

Miss CLARKE. Around that time, too, shortly after that, I believe.

Mr. TAVENNER. Now, if you will bring us up to a more recent date, please. You were in the moving-picture field up into—

Miss CLARKE. I didn't work, in the beginning I didn't work solely in the motion-picture field. Most actors in the free-lance field who

aren't under contract and who are just beginning and trying to establish themselves have to work at other jobs sometimes to keep going.

Mr. TAVENNER. I am speaking now of the moving-picture field.

Miss CLARKE. I see. There was quite a jump after that and I believe it was around 1946 or 1947 that I got what I called my first job that paid me anything.

Mr. TAVENNER. What was the nature of that job?

Miss CLARKE. The nature of it?

Mr. TAVENNER. In 1947.

Miss CLARKE. Nature? You mean the name of it?

Mr. TAVENNER. Yes, the name of it and by whom you were employed.

Miss CLARKE. I have such a reluctance to name names of pictures and people who employed me because my relationships with all the studios have been very businesslike and very good. My work has been very satisfactory and I feel publicizing them here is not something I care to do.

Mr. TAVENNER. Well, nevertheless, we would like to know by whom you were employed in 1947, the date you mentioned.

Miss CLARKE. A picture called the Snake Pit about insanity by 20th Century Fox. I was one of the insane women in the Snake Pit.

Mr. TAVENNER. Was that in 1947?

Miss CLARKE. Roughly around then. I am very poor on dates. I don't quite recall.

Mr. TAVENNER. How long did your employment last with 20th Century?

Miss CLARKE. I believe it was a week or two.

Mr. TAVENNER. Then what was your next employment?

Miss CLARKE. Then I was in a picture called Undercover Man.

Mr. TAVENNER. What was that date, approximately?

Miss CLARKE. I believe around that time. I think 1947.

Mr. TAVENNER. By whom was it produced?

Miss CLARKE. Columbia Studios. On the strength of that picture, which really was the first featured role, a very moving, sympathetic role, I had to go through the preliminaries which are pretty rough, you go through casting department, I just want to bring these things, I don't know if you feel they are pertinent but it may help you realize how difficult it is for actors in this business to really get along. Go through casting departments, these are the first people you go to, and if the casting man feels you are the right type he sends you up to a higher casting person and then that person passes on you and then he sends you to the director and then if the director feels that you are right and he is not too sure of whether you are familiar with your work, they say they will make a test and believe me, even the word "test" is the thing that sort of freezes you up, it is a challenge and if you make a good test and it happens to be the best test for the part then they pass on it and you get the role.

So that first picture, Undercover Man, was done in this fashion and I realized at the time, because of the emotional impact of the role, as I say, very moving, that now after all this time it would really give me a chance to show my talent, and show myself really, that I struggled so long I began to wonder whether I was following a will-o'-the-wisp and it was just some idle dream. I was very pleased and flattered to know that, without having to go through any of the

preliminaries of seeing people, I was told I would have a part in another picture and the name of that one escapes me, at the same studio.

Mr. TAVENNER. What was the approximate date of that employment?

Miss CLARKE. Well, 1947 or 1948; around that time.

Mr. TAVENNER. Who was the producer of the picture that you cannot recall the name of?

Miss CLARKE. I don't know.

Mr. TAVENNER. You cannot recall?

Miss CLARKE. It was Columbia. I said it was the same studio.

Mr. TAVENNER. Will you proceed and tell us about other employment in 1948?

Miss CLARKE. I don't know whether it was 1948, but if I am not mistaken shortly after that I was interviewed for a part in a picture called Captain Cary U. S. A., which Paramount produced and I was very happy to get the part on the strength of seeing the picture that I had done, the first picture I had done with Columbia. As I say, this is how you are saved the torture of testing, you know, each time for a part.

Mr. TAVENNER. Does that carry you pretty well through the year 1948 in your record of employment?

Miss CLARKE. I believe so. Believe me, even in school dates were something I couldn't—

Mr. TAVENNER. During the period 1947 to 1948 were you a member of the American Federation of Radio Artists?

(The witness conferred with her counsel.)

Miss CLARKE. I believe I was. Actors sometimes when they are not working steadily in a certain field can get an honorable withdrawal card and then as they are called for a job they get a renewal. If they work a certain number of months past a given time after their withdrawal they don't have to pay up back dues. That is the way of helping an actor not to be burdened with the upkeep of the—

Mr. TAVENNER. Did you hold any position in that guild?

Miss CLARKE. No.

Mr. TAVENNER. Were you during any part of that period from 1947 to 1948 a member of the Screen Actors Guild?

Miss CLARKE. Yes.

Mr. TAVENNER. Did you occupy any position within the guild?

Miss CLARKE. No.

Mr. TAVENNER. The committee's investigation discloses that during the period 1947 to 1948 there was a group of persons within the radio field, acting field, organized as a group or unit of the Communist Party in which persons both from the Screen Actors Guild and from the American Federation of Radio Artists and other units were members.

Were you a member of a group of the Communist Party within the radio field?

(The witness conferred with her counsel.)

Miss CLARKE. I refuse to answer that question, but I want to state that I am not now a member of the Communist Party. I was and I would like to clarify my statement by saying that I am not going to testify about my associations when I was a member of the Communist Party and, that is, with others, and since any testimony about my ac-

tivities while I was a member of the Communist Party would involve others, I will not testify about my activities, either.

My refusal to testify about other persons or activities is solely based on the first amendment supplemented by the fifth. And I would like to talk about myself, if you like, or my membership in the Communist Party, but that is all.

Mr. SCHERER. Do you feel, Miss Clarke, that to testify about your associations with others in the Communist Party would tend to incriminate you?

(The witness conferred with her counsel.)

Miss CLARKE. I refuse to answer that question on the grounds previously mentioned.

Mr. SCHERER. I ask that you direct the witness to answer the question.

Mr. DOYLE. Miss Clarke, I direct you to answer that question.

Miss CLARKE. I refuse to answer on the grounds of the first and the fifth amendments.

Mr. SCHERER. Is your refusal based on a belief that to answer might tend to incriminate you?

(The witness conferred with her counsel.)

Miss CLARKE. I refuse to answer.

Mr. SCHERER. Do I understand you are invoking that part of the fifth amendment which excuses you from testifying on the ground that to so testify might tend to incriminate you?

(The witness conferred with her counsel.)

Miss CLARKE. I invoke all of the fifth amendment.

Mr. JACKSON. Mr. Chairman.

Mr. DOYLE. Mr. Jackson.

Mr. JACKSON. I think that in light of the position taken by the witness that she should be advised at this time and early in the hearing that almost without exception—and I can think of no exception at the moment—this committee has followed a policy of citing for contempt before the House of Representatives those witnesses who have acknowledged their own membership in the Communist Party and have declined to answer further questions relating to their own activities, the activities of others, or to the individuals with whom they were associated in the party.

I think that the record should show very clearly at this time that this has been the policy of the committee and so there will be no misunderstanding in the mind of the witness as to the possible consequences of her refusal to answer as to the activities of others in the party.

Miss CLARKE. I understand.

Mr. DOYLE. Thank you, Mr. Jackson, and I might add to that statement by my colleague that of course we have done that and, as far as we know, we expect to continue to do it because we believe we do it in accordance with the legal structure of the High Court's decisions. We believe, as a congressional committee, it is our legal duty to do that, and I want to add that to Mr. Jackson's appropriate statement. So if I direct you to answer any question, it is because we believe it is within the legal rights of a congressional committee to ask you to answer those questions and also on the grounds, if I instruct you to answer, it is because we want to make clear that we do not accept your

answer in claiming the amendments to the Constitution at certain points as sufficient answer.

(The witness nodded affirmatively.)

Mr. TAVENNER. In order for the committee to have some understanding of the extent of your knowledge of Communist Party activities in the radio field or the acting field, I want to ask you when you ceased to be a member of the Communist Party, if you say you are not a member now.

Miss CLARKE. I believe it was around 1949.

Mr. TAVENNER. You have had no Communist Party affiliation since that time?

Miss CLARKE. That is correct.

Mr. TAVENNER. When did you first become a member of the Communist Party?

Miss CLARKE. I believe it was around 1942.

(The witness conferred with her counsel.)

Miss CLARKE. I am not clear. I believe it was around the time that it became a political association. I forget. Around that time.

Mr. TAVENNER. Did you first join the Communist Party which was later converted to the Communist Political Association?

Miss CLARKE. I don't recall that very well.

Mr. TAVENNER. You are not certain?

Miss CLARKE. No.

Mr. TAVENNER. You did state that in 1942——

Miss CLARKE. Around that time. As I say, my dates are hard to pin down.

Mr. TAVENNER. You may be in error a year or so either way?

Miss CLARKE. Vaguely around that time.

Mr. TAVENNER. So from that period, roughly from 1942 until 1949 you were a member of the Communist Party?

Miss CLARKE. Yes.

Mr. TAVENNER. During that period of time were you in Los Angeles?

Miss CLARKE. Yes.

Mr. TAVENNER. And you engaged in the type of employment that you have already described in the field of acting on stage and in radio, and in motion pictures?

(The witness conferred with her counsel.)

Mr. SCHERER. Witness, do I understand you to contend that to answer questions about your associates in the Communist Party during that period would tend to incriminate you?

(The witness conferred with her counsel.)

Miss CLARKE. I am sorry, but I have to refuse to answer that question as previously mentioned.

Mr. SCHERER. I think my question goes to the good faith of the witness in invoking the fifth amendment, and I think she should be directed to answer. I think I have a right to find out why she refuses to answer about her associates in the party because you can't invoke the fifth amendment to protect somebody else. I ask that you direct the witness to answer.

Mr. DOYLE. Before I do that, do you understand Congressman Scherer's statement to me just now, his reasoning as to why he believes

you cannot invoke the fifth amendment? Did you hear him make that statement?

Mr. SCHERER. I will repeat my question to her and perhaps her counsel can explain.

Do I understand that the basis of your refusal to answer questions concerning your association in the Communist Party is that to so answer might tend to incriminate you?

(The witness conferred with her counsel.)

Miss CLARKE. If I were to answer that question, I would waive my rights on the position I took before, which was refusal to answer on the basis of the first and the fifth amendments. And with the clarification that I gave as to why I took this position.

Mr. SCHERER. All right.

Mr. DOYLE. I direct you to answer the question, Witness.

Miss CLARKE. I am sorry, but I exercise my privilege again.

Mr. DOYLE. Under the Constitution?

Miss CLARKE. Yes.

Mr. JACKSON. Mr. Chairman, it has been specifically spelled out what we mean by the direction, and I am sure that counsel for the witness knows that and has advised her according to his best judgment. To go into additional explanations every time a direction is entered is probably going to consume a great deal of time. It has been made clear that any direction by the Chair to the witness simply indicates that the committee does not accept the invocation of the fifth amendment as being either legal or in good faith, and that so long as the witness understands that and she has indicated that she does, it would appear to me we can save a lot of time by simply going ahead with the directions.

Mr. DOYLE. I agree with Mr. Jackson and I have directed you to answer that question and you have answered that you pleaded your rights under the Constitution.

Miss CLARKE. Yes, that is right.

Mr. DOYLE. Proceed, Mr. Tavenner.

(The witness conferred with her counsel.)

Mr. TAVENNER. Do you have knowledge of the existence of a Communist Party cell or group within the field of radio?

Miss CLARKE. I exercise my privilege not to answer that question.

Mr. SCHERER. I ask that you direct the witness.

Mr. DOYLE. I direct you, Witness, to answer that question.

(The witness conferred with her counsel.)

Miss CLARKE. I ask this committee to give me the benefit of a formal ruling as to whether it considers itself controlled by the decision of the United States District Court of the District of Columbia when it held that Steve Nelson was not guilty of contempt in refusing to disclose the names of others, or his party activities, even though he admitted that he had been a member of the Communist Party. I am handing you copy of the Nelson decision which is reported in volume 103, Federal Supplement on page 215. In this connection I also ask the committee to consider before it makes its ruling on my objection the fact that on May 23 this year the Supreme Court reversed the conviction of Philip Bart, although the court below held he had waived his privilege.

Mr. DOYLE. We will be glad to receive those. We have received the same type of communication yesterday.

Miss CLARKE. I was here.

Mr. JACKSON. I hope it lasts through the hearing. It is getting dog-eared.

Mr. DOYLE. This committee considers itself bound by the law of the land and I direct you to answer.

Miss CLARKE. I am relying on the courts rather than this committee's interpretation of the law, and will continue to stand on my rights under the first amendment.

Mr. DOYLE. Proceed, Mr. Tavenner.

Mr. TAVENNER. What group or cell of the Communist Party was it to which you belonged?

(The witness conferred with her counsel.)

Miss CLARKE. That is activity, so I will refuse to answer that on the basis of the first and the fifth amendments.

Mr. SCHERER. I ask that you direct the witness, if she says she is a member of the Communist Party, certainly she has to answer what branch or what cell or what part of the organization she was identified with.

(The witness conferred with her counsel.)

Mr. DOYLE. I direct you to answer that question.

Miss CLARKE. I exercise my privilege not to answer.

Mr. SCHERER. You say you were a member of the Communist Party. Did you receive a Communist Party card when you joined?

Miss CLARKE. I exercise my privilege not to answer that question, sir.

Mr. SCHERER. I ask that you direct the witness.

Mr. DOYLE. I direct you to answer the question.

Miss CLARKE. I again exercise my privilege not to answer.

Mr. SCHERER. Did you pay dues to the party?

Miss CLARKE. I repeat, I exercise my privilege not to answer.

Mr. SCHERER. I request that you direct the witness to answer.

Mr. DOYLE. I direct you to answer the question.

Miss CLARKE. I exercise my privilege again, sir.

Mr. SCHERER. What were the circumstances of your joining the party, Witness?

(The witness conferred with her counsel.)

Miss CLARKE. Again I exercise my privilege. I didn't quite understand the word "circumstances." So I am in doubt so I will exercise my privilege not to answer.

Mr. SCHERER. I ask that you direct the witness to answer the question.

Mr. DOYLE. I direct you to answer the question.

(The witness conferred with her counsel.)

Miss CLARKE. Could you clarify what you mean by circumstances?

Mr. SCHERER. I think you understand what the word "circumstances" means, and no matter how I clarify it I think you are going to invoke the fifth amendment. What were the conditions under which you joined the party? How did you happen to join the party? That is what I mean by the word "circumstances."

Miss CLARKE. You mean what were my feelings?

Mr. SCHERER. No; I am not interested in your feelings. Who was the individual that took your application?

Miss CLARKE. I exercise my privilege again, sir, not to answer.

Mr. SCHERER. I ask that you direct her.

Mr. DOYLE. I direct you to answer the question.

Miss CLARKE. I exercise my privilege not to answer.

Mr. JACKSON. For the reasons previously stated?

Miss CLARKE. For the reasons previously mentioned.

Mr. SCHERER. Where did you become a member of the Communist Party.

Miss CLARKE. I refuse to answer that question.

Mr. SCHERER. In what city?

Mr. DOYLE. May we have the complete answer as to why she refuses to answer the question?

Miss CLARKE. I refuse to answer that question on the basis of the first amendment supplemented by the fifth.

Mr. DOYLE. I direct you to answer the question.

Miss CLARKE. I exercise my privilege not to answer that question.

Mr. DOYLE. State the grounds.

Miss CLARKE. On the grounds previously mentioned.

Mr. DOYLE. Thank you.

May I suggest that if you are going to plead your constitutional privilege that you do it thus briefly each time in the interest of saving time.

(The witness conferred with her counsel.)

Mr. KENNY. She can just say "ditto."

Mr. DOYLE. I would rather not have two dots. Proceed, Mr. Tavenner.

Mr. TAVENNER. Will you tell the committee, please, the extent of participation of the members of the guild to which you belonged in the Communist Party movement?

Miss CLARKE. I exercise my privilege not to answer that question on the basis of the first amendment supplemented by the fifth.

Mr. TAVENNER. Will you tell the committee, please, what were the objectives of the Communist Party in the group to which you belonged—that is, what they sought to accomplish?

Miss CLARKE. I exercise my privilege not to answer that question on the basis of the first amendment supplemented by the fifth.

Mr. TAVENNER. Will you tell the committee, please, what you observed of the methods used by the Communist Party to propagandize the industry in which you were an important part?

Miss CLARKE. That is activity, so I exercise my privilege not to answer that question on the basis of the first amendment supplemented by the fifth.

Mr. DOYLE. I am going to instruct the witness to answer that question because as well as some other questions that is right down in accordance expressly with our Public Law 601 under which the Congress of the United States has instructed us to function. Did you hear my direction, Madam Witness, to answer that question?

Miss CLARKE. Yes.

Mr. DOYLE. What do you do about it?

Miss CLARKE. I refuse to answer on the basis of the first amendment supplemented by the fifth.

Mr. DOYLE. Very well.

Mr. TAVENNER. Mr. Chairman, I am not certain whether you directed her to answer the first question that I asked a moment ago regarding the extent of participation.

Mr. DOYLE. I did not.

Mr. TAVENNER. I think she should be directed, and I will ask the question again.

Mr. DOYLE. May I have the question read so the witness clearly understands the question.

(The reporter read from his notes as follows:)

Mr. TAVENNER. Will you tell the committee, please, the extent of participation of members of the guild to which you belonged in the Communist Party movement?

Mr. DOYLE. I direct you to answer that question.

Miss CLARKE. I refuse to answer that question on the basis of the first amendment supplemented by the fifth.

Mr. TAVENNER. I think also the second question that I asked should be read to the witness and she be directed to answer.

Mr. DOYLE. Read it, please.

(The reporter read from his notes as follows:)

Mr. TAVENNER. Will you tell the committee, please, what were the objectives of the Communist Party in the group to which you belonged—that is, what they sought to accomplish?

Mr. DOYLE. Did you hear that question reread?

Miss CLARKE. Yes; I did.

Mr. DOYLE. What is your answer to it?

Miss CLARKE. I refuse to answer that question, too, on the basis of the first amendment supplemented by the fifth.

Mr. DOYLE. I direct you to answer that question.

Miss CLARKE. I refuse to answer that on the grounds previously mentioned.

Mr. TAVENNER. In other words, you refuse to testify as to any matter relating to the extent, character, and objectives of the Communist Party within your own knowledge or observation?

(The witness conferred with her counsel.)

Miss CLARKE. As I said earlier in this hearing, I would refuse to testify about other people or activities.

Mr. TAVENNER. Are you drawing any distinction between other persons and activities from my questions relating to the extent, character, and observations of the Communist Party within your knowledge?

(The witness conferred with her counsel.)

Miss CLARKE. What specifically—

Mr. TAVENNER. You did not answer my question specifically. You answered the question by making a statement and I want to know whether you are making any distinctions from the question that I posed. In order to clarify the matter, let me put the question to you again:

You are refusing, are you not, to answer any questions that I might ask you regarding your knowledge of the extent, character, and objectives of the Communist Party within the fields of your activities?

(The witness conferred with her counsel.)

Miss CLARKE. That means activities, does it not?

Mr. TAVENNER. It means information regarding your knowledge of the things that I have asked you about, and you have refused to testify to them. I want to make certain that you are deliberate in your refusal.

MISS CLARKE. As I understand it, this question seems to incorporate the involvement of other people and activities and I therefore refuse to answer on the grounds that I have previously mentioned.

MR. DOYLE. At this point may I say for the information of the witness, that this subcommittee of Congress is here as a committee of Congress, your Congress, and because our distinguished legal counsel has used some of the wording of Public Law 601 under which this committee is operating, I think it appropriate to read you a part of that Law. This may further explain to you. This law was passed in the 79th Congress, 1946:

The Committee on Un-American Activities in full or by subcommittees is authorized to make from time to time investigations of the extent, the character, and objectives of un-American propaganda activities in the United States, the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of domestic origin, and which attacks the principle of the form of government as guaranteed by our Constitution, and all other questions in relation thereto which would aid Congress in any necessary remedial legislation.

That is the chief paragraph of the law under which Mr. Tavenner is questioning you and under which this committee is present as Members of your American Congress.

(The witness conferred with her counsel.)

MR. DOYLE. So that this committee when Mr. Tavenner asks you that question, using the phraseology, extent, character, and objectives of the Communist Party, has adopted the exact phraseology of the law under which we are operating and that is the significance of that language in part. Go ahead, Mr. Tavenner.

MR. TAVENNER. Will you tell the committee, please, who was the chairman of the Communist Party group of which you were a member?

MISS CLARKE. I exercise my privilege not to answer that on the basis of the first amendment, supplemented by the fifth.

MR. DOYLE. I direct the witness to answer.

MISS CLARKE. I refuse to answer that question on the previous grounds.

MR. TAVENNER. To whom did you pay Communist Party dues?

MISS CLARKE. I refuse to answer that question on the grounds—I am trying to word it differently, but I want—previously mentioned.

MR. DOYLE. I direct the witness to answer.

MISS CLARKE. I refuse to answer that question.

MR. TAVENNER. Did you pay a percentage of your salary as dues to the Communist Party?

MISS CLARKE. I refuse to answer that question on the grounds previously mentioned.

MR. DOYLE. I direct the witness to answer the question.

MISS CLARKE. Again I refuse to answer that question on the grounds previously mentioned.

MR. TAVENNER. Do you know how the Communist Party financed its operations in this area by means other than payment of dues?

MISS CLARKE. I refuse to answer that question on the grounds previously mentioned.

MR. DOYLE. I direct the witness to answer that question.

MISS CLARKE. Again I refuse to answer that question on the grounds previously mentioned.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Mr. Jackson.

Mr. JACKSON. I have only one question of the witness:

Miss Clarke, either in or out—during the period of your membership or at any other time, did you personally know an individual by the name of—and I am going to have to spell this—the first name is F-r-a-n-c-i-k?

The last name is M-i-z-o-k-l-j-y-z. A Pole, I imagine.

Miss CLARKE. Who is the person?

Mr. JACKSON. I am asking you if at any time you knew him and with a name like that I would assume—

(The witness conferred with her counsel.)

Miss CLARKE. I refuse to answer that question on the grounds of the first amendment supplemented by the fifth.

Mr. JACKSON. Mr. Chairman, the name is totally fictitious so far as I know. If there is such a gentleman I apologize to him for bringing his name up in the context of these hearings. However, to plead the fifth amendment in this instance on a name that has been pulled out of the thinnest of air demonstrates to me an absolute misuse of the fifth amendment, to acknowledge whether the witness ever knew an individual by that name could under no conceivable circumstances tend to involve her in any criminal action. We have seen a lot of the use of the amendment up to this time in questions which are just about as dangerous to the witness as this one is and we will probably see a great many more instances before the hearings are over, but I think this demonstrates the use to which the fifth amendment is being put by witnesses appearing before this committee.

I have no more questions.

Mr. DOYLE. Mr. Scherer?

Mr. SCHERER. I have no questions.

(The witness conferred with her counsel.)

Miss CLARKE. How could this be pertinent to this matter if it is a fictitious name?

Mr. JACKSON. The most pertinent matter in this entire investigation is the good faith of the witness in his or her use of the fifth amendment, as I see it. That is the entire issue around which there is currently raging a tremendous controversy. Some witnesses are deliberately attempting to misuse a provision of the United States Constitution. That is the crux of the entire matter and that is why I think it is very important in the record that it is demonstrated very clearly that such a misuse is going on constantly day after day. That was the purpose for my introducing the name of this fictitious individual.

Mr. TAVENNER. Mr. Chairman, I would like to ask one further question.

You at no time held an official position in the Communist Party, did you?

(The witness conferred with her counsel.)

Miss CLARKE. That is activity again and I therefore refuse to answer that—

Mr. SCHERER. That is lack of activity.

Miss CLARKE. There are two sides to the coin, the one coin.

Mr. DOYLE. I direct you to answer the question.

MISS CLARKE. I refuse to answer that question on the grounds—

MR. TAVENNER. I have no further questions.

MR. DOYLE. May I ask you a couple of questions.

Why did you join the Communist Party? That is your activity, it isn't anyone else's.

(The witness conferred with her counsel.)

MISS CLARKE. That is in the realm of feelings and opinions.

MR. DOYLE. I am not asking for your opinion. I am asking you why you joined the Communist Party. May I state my basis of that question is that this committee is here among other reasons to investigate the extent and the character and the methods used by the Communists, for the purpose of offering remedial legislation. Now, certainly we are interested in why American citizens join the Communist Party. That will help us as your Congressmen to more intelligently legislate. What attracted you?

MISS CLARKE. It is a long story.

MR. DOYLE. Make it as brief as you can, but what attracted you?

MISS CLARKE. I will try. This acting as a part of a creative field and the very word creative field deals with something has to be part of the new ways of expressing one's self, new ways of thinking, new ways of doing. This is even manifest in our business world, as I see it. I can't imagine, for instance, Ford at the time that he was busy with his new idea of his of making an automobile, excuse me, this is relevant, when everybody was used to a horse and buggy, not trying to find out about a new way of transportation but it is still transportation.

MR. DOYLE. What new way were you trying to find out as to how government should be run, because the Communist Party must have been known to you even at that time as directly in conflict with the constitutional form of government.

MISS CLARKE. I have never been a political person. I remember, for instance, when my father died I hadn't gone out into the world and this was at the time of the depression. I remember my father had a flower shop on Wall Street, a very lucrative business. As a matter of fact, all the top financial wizards of the country were his customers. He was a victim of this depression. He died, he had a heart attack, and we were pushed out into this world, we tried to run this business and we were kicked out of the flower shop and there I was wondering what is life.

MR. DOYLE. Is that what caused you to join the Communist Party? That was my question.

MISS CLARKE. I was confused as to wondering if this is the way of life, this kind of insecurity where people did not know where they were going to eat, how they were going to live, how they were going to pay rent and, believe me, I know what that experience was.

MR. DOYLE. Some of the rest of us do.

MISS CLARKE. Right after my father died, which was shortly after I had studied to be an actress, I was pounding pavements on Broadway, door after door, day after day, not knowing, there were no avenues to follow my chosen profession. All these confusions and hardships.

MR. DOYLE. In other words, you were confused as to what you should do?

MISS CLARKE. I was confused about the life around me.

Mr. DOYLE. What caused you to leave the Communist Party? That is your activity. It is not anyone else's.

Miss CLARKE. My whole life was a drive toward acting because as an actress I felt, I remember when I first saw a play, I forget the name of the play——

Mr. DOYLE. May I interrupt?

Miss CLARKE. It was like a light that opened up to me that I saw good things, that made me feel happy or made me cry for good reasons. I felt if I could bring this kind of pleasure or good tears to people that I would be serving the people in a cultural way and that is why I went into the acting field.

Mr. DOYLE. We congratulate you on the opportunities and success you have had, but why did you leave the Communist Party? That was my question.

Miss CLARKE. I drifted away. My interest in acting was the thing I was concerned with more and I was busy being an actress and trying to be a good actress.

Mr. JACKSON. That took you into the party, didn't it? That plus economic pressure? Your love for the dramatic didn't vary, did it, between the time you joined and the time you left the Communist Party?

(The witness conferred with her counsel.)

Mr. JACKSON. May I say something more? I think this has been a tragic story.

Miss CLARKE. I don't mean it to be tragic.

Mr. JACKSON. When it comes to pounding pavements during the depression——

Miss CLARKE. This is the most difficult profession that anyone could choose.

Mr. JACKSON. Doing all of the things that all of us had to do during those years, makes your story by no means unique.

Miss CLARKE. And the profession is difficult.

Mr. JACKSON. I just am very grateful that a hundred forty million, or however many millions of Americans there were during that time, pitched in and did something about it instead of joining the Communist Party. American character, initiative and determination pulled us out, not the Communist Party.

Mr. DOYLE. That is correct.

May I ask you, Mrs. Wilkerson, and in using my word, when asking you to be frank, I don't infer you haven't, the way you see it, but will you try to help us as Congressmen in the field of legislation to know why you left?

In other words, what did the Communist Party fail to have when you left, if anything, that it had when you went in? Is that the way to put it?

Why did you leave? Did you get your belly full of it—excuse me—but what was it? Were you disgusted with it? Didn't you find what you thought you were going to find or what was it?

Miss CLARKE. As I said, my home interest was in the field of acting and how to be a better actress, and this was my main concern.

Mr. DOYLE. Thank you. I hoped you might be in a position to help.

Miss CLARKE. May I ask a question, please? I don't know much about this business of government, but I feel that the cultural, we have a Department of Agriculture, we have a Department——

Mr. SCHERER. Just a minute, Witness.

Miss CLARKE. There is a nail on the end of that finger and courtesy is not being exercised, as you professed at the very beginning of the hearings.

Mr. SCHERER. We are following the rules and the rules of the committee do not permit the witness to ask any questions directly when the witness has refused to answer any pertinent questions the committee has asked her.

Miss CLARKE. You are finding out what kind of a human being I am by being here and expressing myself.

Mr. SCHERER. I have a pretty good idea, Witness.

Mr. DOYLE. You are out of the Communist Party. If you are no longer in sympathy with it or its objectives, or its international Communist conspiracy, why don't you direct your magnificent ability as an actress toward strengthening sinews of our great country and fight the conspiracy you used to be in, by virtue of your distinguished ability?

Let me suggest that you do turn your ability that way. It would be wonderful to the country if you would turn your ability toward inspiring and encouraging American citizens to not have any sympathy with the Communist conspiracy. Let's go ahead, Mr. Tavenner. We wish we could talk longer but we can't. We have to proceed to other witnesses.

Your are excused.

Miss CLARKE. Thank you.

Mr. TAVENNER. Mr. Cecil Beard.

Mr. DOYLE. Please raise your right hand. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BEARD. I do.

Mr. DOYLE. Thank you.

The committee will be in recess for 10 minutes.

(Brief recess.)

TESTIMONY OF CECIL BEARD, ACCOMPANIED BY COUNSEL, ROBERT KENNY

Mr. TAVENNER. Will you please state your name?

Mr. BEARD. Cecil Beard.

Mr. TAVENNER. Spell your first name.

Mr. BEARD. C-e-c-i-l.

Mr. TAVENNER. What is the spelling of your last name?

Mr. BEARD. B-e-a-r-d.

Mr. TAVENNER. It is noted that you are accompanied by the same counsel as the preceding witness.

Mr. BEARD. Yes.

Mr. TAVENNER. When and where were you born, Mr. Beard?

Mr. BEARD. I was born in Texas, March 27, 1907.

Mr. TAVENNER. Where do you now reside?

Mr. BEARD. I reside in 2149 Fargo Street, Los Angeles.

Mr. TAVENNER. How long have you lived in Los Angeles?

Mr. BEARD. I would say a little over 18 years.

Mr. TAVENNER. Have you lived in California continuously during that 18-year period?

Mr. BEARD. Yes. Outside of normal, you know, visits outside for vacations.

Mr. TAVENNER. Will you tell the committee, please, what your profession or occupation is?

Mr. BEARD. I am an artist.

Mr. TAVENNER. In what field of art?

Mr. BEARD. Well, most any field. I have done a lot of work in a lot of fields, art field, mainly in commercial art and cartoon field.

Mr. TAVENNER. Commercial art and cartoons?

Mr. BEARD. Yes.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. BEARD. I have a B. A. degree from—do you want the place?

Mr. TAVENNER. Yes.

Mr. BEARD. Trinity University.

Mr. TAVENNER. In what State?

Mr. BEARD. Texas.

Mr. TAVENNER. Will you tell the committee, please, what your employment has been since 1940?

Mr. BEARD. Since 1940. Let's see. I would say, I think I started to work in the George Pal's studios, Republic Studio, 1940. Prior to that time I worked at the Disney Studio—

Mr. TAVENNER. Would you mind raising your voice a little?

Mr. BEARD. I am sorry. I have a hard time speaking loud.

Before that, during a period in 1940 I had worked for the Disney Studios.

Mr. TAVENNER. As a cartoonist?

Mr. BEARD. As a cartoonist. It had reached, well, it reached into 1940; in other words, my period of employment there. Let's see. It is a long time back. I believe I worked at Pal's for some year and a half, I would say, maybe close to 2 years. He closed his place down for a period of time and I was out of work for some time and picked up jobs around where I could get them and none of them were very long length.

Mr. TAVENNER. Was that work as a cartoonist?

Mr. BEARD. No, it was anything I could get at that time.

Mr. TAVENNER. Your work at Pal's?

Mr. BEARD. Yes, it was as a cartoonist.

Mr. TAVENNER. Will you spell the name, please?

Mr. BEARD. P-a-l. Then after a period of unemployment which probably lasted, I don't remember, maybe 6 months off and on, you know, a job where I could get it, some commercial art work as I could get it, the same condition a lot of other people were, unemployed at the same time, in the same field.

I ended up working for Screen Gems. I didn't name it. I worked there for a period of about 3 years, I would say, just about 3 years. I left there I believe in 1945 in the middle of the summer, and I worked—

Mr. TAVENNER. Was that work cartoonist work?

Mr. BEARD. That was cartoonist work.

Then I worked for a period of about a year as the financial secretary of the Screen Cartoonists Guild. It was an elected office and required working in an office and I worked in the office for a period of about, well, a year and 2 or 3 months, I would say, for which I drew pay.

Mr. TAVENNER. For what length of time?

Mr. BEARD. I actually worked, when I talk of employment, I mean, I was employed, paid, for about that period.

Mr. TAVENNER. I didn't understand the period. That is the point.

Mr. BEARD. A year and 3 months.

I am trying to remember just when I—but it ran past the year. Then I wasn't employed but I still held that office for the balance of the year. I was unemployed then for a considerable length of time.

Then I worked, wasn't any work in the cartoon industry, at that time, studios had kind of gone broke, small ones especially, this was in 1946. And a lot of people were out of work. I ended up taking a job down at the University of Southern California as a storekeeper, a menial sort of a job, that I held for a period of about 5 years, 5½ years. And doing intermittently my regular free-lance work, too. I had to to make the difference. But after that period, well, since then—that is about 3 years ago I left there—I have done just, I have been self-employed. I do solely free-lance work. I am employed really on my own, free-lance work, mostly cartooning, but I do a lot of other things, too, in artists work.

Does that answer your question?

Mr. TAVENNER. Yes, I think it does.

You said you were financial secretary of the Cartoonists Guild.

Mr. BEARD. Yes.

Mr. TAVENNER. The Screen Cartoonists Guild, I believe, is the correct name; isn't it?

Mr. BEARD. Yes, the Screen Cartoonists Guild.

Mr. TAVENNER. During what period of time did you hold that position?

Mr. BEARD. It was a period of 1945 I think from June, I forget what date, but sometime in June 1945 until, well, I held it for, the office, I was elected to this office at that time again the following year, which would take it then through 1946. I mean until June, say the middle of the year 1946, or would it be 1946, 2 years from then, because I held the office 2 years.

Mr. TAVENNER. Were you a member of the Screen Cartoonists Guild during the period, entire period, that you were engaged in cartoon work for the various studios?

Mr. BEARD. Not for the entire period. This guild didn't exist, I don't know whether it existed or not, but like, it did exist at the Pal place where I worked, you know, for a time but after that, when you say going back to 1940, if you want to go back to, say, 1941, when it was really organized through the industry, I guess it existed before then, but well I was, sure, you had to be to work in the industry.

Mr. TAVENNER. You were a member of it then from 1941?

Mr. BEARD. Yes.

Mr. TAVENNER. How long were you a member of the Screen Cartoonists Guild?

Mr. BEARD. Well, I am a member of it now. And, well, I have been an inactive member at times, go on withdrawal, but—

Mr. TAVENNER. Have you held any positions in the guild other than that of financial secretary?

Mr. BEARD. I suppose, I think I was trustee for a time but none since then, because, as I say, I was unemployed for a time and I had, I was actually out of the industry for a time except that I had to stay close to it because that is my profession and I didn't want to leave it too far. I was absorbed with my just plain making a living.

Mr. TAVENNER. The committee's investigation has indicated that there was in existence a group of individuals organized as a Communist Party unit or cell within the Screen Cartoonists Guild and the committee desires to ask you what knowledge you had of the existence of such a cell and to inquire from you as the extent and character and objectives of Communist Party activities within that group, if you know.

Did you want to consult counsel?

Mr. BEARD. Yes, I would like to.

(The witness conferred with his counsel.)

Mr. TAVENNER. Were you a member of such a group or unit of the Communist Party?

(The witness conferred with his counsel.)

Mr. BEARD. I have to refuse to answer that question on the basis of the first amendment and supplemented by the fifth amendment.

Mr. JACKSON. Mr. Chairman, may I ask the witness if he was in the hearing room during the course of the testimony of the previous witness?

Mr. BEARD. Yes.

Mr. JACKSON. Did you hear the statement that was made at that time relative to the possibility and in light of the previous actions which have been taken by this committee previously in instances where witnesses acknowledge their own membership in the party and then decline to state anything further with reference to other activities?

Mr. BEARD. I am well aware of that.

(The witness conferred with his counsel.)

Mr. DOYLE. Proceed, Mr. Tavenner.

I think the witness has not answered that question.

May the record show what did happen at that point. Please read it.

(The reporter read from his notes as requested.)

Mr. DOYLE. Proceed, Mr. Tavenner.

Mr. TAVENNER. Are you acquainted with a person by the name of Charlotte Darling Adams?

Mr. BEARD. I refuse to answer that question on the principles I previously stated, first amendment supplemented by the fifth amendment.

Mr. TAVENNER. I think I should give you an opportunity to explain or deny sworn testimony that does exist before this committee relating to you. Mrs. Adams testified before this committee that she was a member of that cartoonist group and that you were also a member of it.

Now, was that a truthful statement by her or not?

Mr. BEARD. I refuse to answer that on the basis I previously have stated.

Mr. TAVENNER. Did you ever hold the position of organizer in any branch of the Communist Party?

Mr. BEARD. I will have to refuse to answer that on the basis, same basis I previously stated.

I would like to make my position clear. The welfare of a whole union and a whole people are mixed up in this and I have no desire to place in jeopardy the livelihoods of a whole group of people, and that is what this is for that I know. It is for the purpose I am sure of trying to beat a dead horse, of trying to break up these people and my business, this is a trade union and the people of a trade union have a right to run their own trade union without being interfered with by the outside.

Mr. DOYLE. Just a minute, Witness. We are not trying to break up any trade union, but very frankly if that trade union is controlled by Communists or Communists have infiltrated into it, it is our duty to find out the extent the Communist Party has gotten into your trade union. We are not interested in breaking up any trade union, you know we are not.

I ask you deputy marshals to not postpone ejecting anyone from the room who makes a noise. You are our guests here and if you can't be courteous to the committee, we don't want you here and you shouldn't expect to stay here. Let that be my final admonition.

I ask the deputy marshals to act accordingly.

I just wanted the record to show, Mr. Beard, that your observation about the purpose of the United States Congress in this connection is on a false premise and is not accurate and is not correct.

Mr. BEARD. Mr. Doyle, I am not concerned with your intentions, I am concerned with the effects, and the effect I say is as I said.

Mr. DOYLE. We know, we are quite aware of the fact that now and then when American citizens whom we know have been very active as leaders in the Communist conspiracy and may be yet still in the Communist conspiracy, as a result of them refusing to be frank and open with their Government and help the Government uncover the Communist conspiracy and the extent and character of it, people are out of employment and we regret it.

Believe me, we do regret it. We regret the economic hardship that now and then comes to such persons. But we also know that it is our legal duty under Public Law 601 to find the extent and the character of the Communist conspiracy as it was and as it is. We see no other way but to put you people under oath and give you an opportunity to help your own Government and we regret that individuals are sometimes hurt. That is not pleasant for anybody, least of all an American congressional committee. But I did want to emphasize that your observation that we are breaking up a trade union is quite familiar to us, one of the lines of the Communist Party leadership, still is their line, that prejudices the American congressional committee in the minds of the American public by trying to throw out the line we are trying to break up a trade union. We never have.

Mr. BEARD. I have full confidence in those people, intelligent people that run their own union and I don't think you will succeed in breaking it up.

Mr. JACKSON. May I say in connection with this old bugaboo of breaking the trade unions, that during the hearing of this committee

in Seattle, Wash., a few months ago organized labor of great organizations, the CIO, the American Federation of Labor, and many independent unions communicated with this committee expressing full support in the effort that was being made to assist them to get out of their ranks those whose primary allegiance was not to the United States Government. I am sure, that no trade union is going to assist in its own smashing or its own destruction. You are not here because you are a trade unionist; you are here because you have been identified under oath as a former or present member of the Communist Party.

Mr. BEARD. Identified with an independent union which another union can gain a great deal by breaking and taking over.

Mr. JACKSON. That is something about which we know absolutely nothing; the internal affairs of your union are not a concern of this subcommittee.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. BEARD. I will have to refuse to answer that on the grounds previously stated. And I am stating here that on the grounds I am standing on is the first amendment supplemented by the fifth amendment, and I insist that the fifth amendment, I am standing on all of it and it is there to protect the innocent, too.

Mr. DOYLE. We agree with you, Witness.

Mr. BEARD. This is my position.

Mr. DOYLE. That is one of the glorious things about the United States of America, that we have the Constitution and we have the amendments to it and we never criticize, in fact we compliment any witness before us when in good faith and honesty they claim their constitutional protection. Of course we do regret that now and then we have witnesses before us, as Mr. Jackson proved this morning, pleading the amendment without any legal basis.

Thank you very much, Witness and Counsel.

The witness is excused.

Mr. BEARD. Thank you.

Mr. TAVENNER. Mr. Diamond Kim.

TESTIMONY OF DIAMOND KIM, ACCOMPANIED BY COUNSEL, WILLIAM SAMUELS

Mr. DOYLE. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KIM. I do.

Mr. DOYLE. Please have a seat.

Mr. TAVENNER. Will you state your name, please, sir.

Mr. KIM. My name is Diamond Kim.

Mr. TAVENNER. Are you accompanied by counsel?

Mr. KIM. Yes.

Mr. TAVENNER. Will counsel please state his name for the record.

Mr. SAMUELS. William Samuels of Los Angeles.

Mr. TAVENNER. Mr. Kim, do you use any name other than the name Diamond as a first name?

(The witness conferred with his counsel.)

Mr. KIM. I refuse to answer that question.

Mr. TAVENNER. May I ask that the witness be directed to answer the question.

Mr. DOYLE. I direct you to answer the question, Mr. Kim. Certainly we are entitled to know who you are, what name you use.

Mr. KIM. As far as I remember, most of the time I sign my name as Diamond Kim. So I refuse to answer any other names.

Mr. TAVENNER. You say most of the time you use the name Diamond. What name do you use on occasions when you do not use the name Diamond as a first name?

(The witness conferred with his counsel.)

Mr. KIM. I refuse to answer further on this question.

Mr. DOYLE. I direct you to answer, Mr. Kim. It is a ridiculous claim of the constitutional privilege in our judgment, and I might as well tell you I think it is a clear basis of contempt.

Mr. KIM. I received the subpoena in this name and that is the correct name, I don't have to mention my name, any other name here. So I refuse to answer this question on the ground of the first amendment as well as the fifth amendment.

(The witness conferred with his counsel.)

Mr. TAVENNER. You have indicated, Mr. Kim, that you do use another name besides the name Diamond. I ask you again what is that other name.

Mr. KIM. Mr. Chairman, since I am Korean and I am not native of America, the Korean community call me in two Korean names in Korean language.

Mr. JACKSON. Is the Korean name capable of being spelled in English?

Mr. KIM. Kim Kang. Or sometimes one American way the name first, family name second, sometimes Kang Kim, but real name is Kim Kang.

Mr. TAVENNER. Are you also known in Korean circles by other names?

Mr. KIM. There is no such thing, I don't think so.

(The witness conferred with his counsel.)

Mr. TAVENNER. Are you ready?

Mr. KIM. Would you give me that question again?

Mr. TAVENNER. Will you read him the question, please.

(The reporter read from his notes as requested.)

Mr. TAVENNER. Did you want to add anything to that statement?

(The witness conferred with his counsel.)

Mr. KIM. I don't know, I don't believe any other name used in the Korean circles.

(The witness conferred with his counsel.)

Mr. TAVENNER. Have you used the name Kim Sang?

Mr. KIM. That doesn't sound like Korean. That is a Japanese way of saying.

Mr. TAVENNER. Have you used it in the Japanese way of saying it?

(The witness conferred with his counsel.)

Mr. KIM. No, not to my knowledge. I never used any such name. Except that means, Kim Sang means Mr. Kim, Japanese way. That is what it is, I understand.

Mr. TAVENNER. Have you used the name Soon Iop Kim?

(The witness conferred with his counsel.)

Mr. KIM. I refuse to answer that question.

Mr. TAVENNER. Why?

Mr. KIM. On the ground of the first amendment, supplemented by the fifth amendment.

Mr. SCHERER. I ask that you direct the witness to answer the question.

Mr. DOYLE. Before I direct you to answer the question, may I make it clear that the committee does not accept your plea of the amendments to the Constitution of the United States as sufficient answer, as a good answer, as a legal answer. I therefore direct you to answer that question.

(The witness conferred with his counsel.)

Mr. DOYLE. You understand, Mr. Kim, my direction; that you answer the last question that legal counsel asked you?

Mr. KIM. As I previously stated, I refuse to answer that question on the ground of the first amendment and fifth amendment.

Mr. TAVENNER. When and where were you born, Mr. Kim?

Mr. KIM. I was born in Korea in I believe 1901.

Mr. TAVENNER. Where in Korea?

Mr. KIM. The exact name is Long Chun.

Mr. TAVENNER. Will you spell it, please?

Mr. KIM. It is no use. You just write it out because it is not American language. Long Chun.

Mr. TAVENNER. Mr. Kim, you are editor of a magazine, a newspaper, I believe, which is published in both the Korean and English languages. You can certainly give the reporter an English spelling of the place named, can you not?

(The witness conferred with his counsel.)

Mr. KIM. I told you my name in the subpoena you have Kim, K-i-m, but my name is K-i-m-m, but any way you want to spell doesn't matter as long as—

Mr. SCHERER. Mr. Chairman, I ask that you direct the witness to spell in English the name of the town in which he was born.

Mr. DOYLE. You understand that question, the name of the town or community in which you were born in Korea and spell it in English, give us the English translation of it.

(The witness conferred with his counsel.)

Mr. KIM. As I spell it, Long, just like long l-o-n-g, Chun, C-h-u-n, Northern Pengan Province, Korea.

Mr. TAVENNER. Is that in North Korea or South Korea?

Mr. KIM. It is extreme north.

Mr. TAVENNER. You said that your name in the subpoena was spelled with one "m" and when you spell it you use two "m's." Isn't your name frequently spelled in the Korean language with one "m" instead of two?

(The witness conferred with his counsel.)

Mr. KIM. I refuse to answer that question again because it has nothing to do, as long as you got me here, one spelling, one "m" or no "m" doesn't make any difference.

Mr. SCHERER. I think it does.

Mr. JACKSON. Whether it makes a difference or not, I ask that the witness be directed to answer.

Mr. DOYLE. I direct you to answer the question, Mr. Kim. Don't take your own time and our time so much in giving frivolous answers.

Mr. SCHERER. Especially when he takes the fifth amendment on one name that he has used.

(The witness conferred with his counsel.)

Mr. KIM. Since you counsel agree it doesn't make any difference, I say that it doesn't make any difference so I refuse to answer that question.

Mr. DOYLE. I direct you again to answer the question. We are entitled to know who you are, what names you use. The American Government is entitled to know who is within its shores and all the names you use.

(The witness conferred with his counsel.)

Mr. KIM. I refuse to answer again on the ground of the first amendment and fifth amendment.

Mr. TAVENNER. When did you first come to the United States?

Mr. KIM. I believe, if I remember I came in 1928.

Mr. TAVENNER. Have you remained in the United States constantly since 1928?

Mr. KIM. Yes, continuously. I have lived all the time here in this country.

Mr. TAVENNER. You have not returned to Korea since you first came here in 1928?

Mr. KIM. No.

Mr. TAVENNER. Are you a naturalized American citizen?

Mr. KIM. On account of Oriental Exclusion Act I could never be an American citizen until after World War Second. There was opportunity to be American citizen at that time.

(The witness conferred with his counsel.)

Mr. SCHERER. Have you made application since you could become an American citizen?

(The witness conferred with his counsel.)

Mr. KIM. There was door open for me to be American citizen but during Second World War time war against Japan, OSS department asked me to serve for their department. I believe you all know that any Koreans want to have independence for their country.

Mr. SCHERER. That isn't the question.

Mr. KIM. So I joined. Let me state.

Mr. SCHERER. Wait a minute.

Mr. KIM. I am going to tell you why I have not applied for citizenship.

Mr. SCHERER. If you answer the question then you can explain it.

Mr. KIM. This is explaining his more economical, isn't it? We save time.

Mr. SCHERER. I ask that you direct him first to answer the questions that have been asked and then explain.

Mr. DOYLE. You were asked whether you did apply for American citizenship. Answer yes or no and then explain.

Mr. KIM. No; I didn't apply.

Mr. SCHERER. When was the first time you could have applied?

Mr. KIM. During or part of Second World War time.

Mr. SCHERER. What year was that?

Mr. KIM. Somewhere around 1944 or 1945, as I think, toward the end.

Mr. SCHERER. That was about 11 years ago, 10 or 11 years ago.
(The witness conferred with his counsel.)

Mr. KIM. But still I couldn't apply for citizenship. Should I explain?

Mr. SCHERER. Yes.

Mr. KIM. At that time OSS asked me to serve for their department. So I agreed. I consented.

Mr. SCHERER. You were in OSS too?

Mr. KIM. Yes. But I know the Korean situation very well. If I go into Korea in American uniform no Koreans will welcome me so I told OSS department I will go back to my country as Korean, not American mercenary. So they agreed. So I did not have, I did not use that opportunity for application of citizenship.

Mr. SCHERER. How long have you been out of OSS?

Mr. KIM. Since 1945.

Mr. SCHERER. You could have applied since 1945.

(The witness conferred with his counsel.)

Mr. SCHERER. His answer was he shook his head in the affirmative.

Mr. TAVENNER. Where do you reside?

Mr. SAMUELS. I think there is a pending question he has not answered.

Mr. TAVENNER. I understood he answered it.

Mr. SCHERER. He didn't answer, he just shook his head.

Mr. TAVENNER. He nodded his head.

Mr. SCHERER. Nodded his head in the affirmative.

Mr. DOYLE. As I understand it, witness, when you nodded your head in answer to Mr. Scherer's question, you intended that as a yes answer or if that is not true——

(The witness conferred with his counsel.)

Mr. KIM. Would you let me hear the question again?

Mr. SCHERER. Let's repeat it. You said you severed your connections with OSS in 1945. Now my question is: You could have applied for citizenship since that date, could you not have?

Mr. KIM. Immediately after my release——

Mr. SCHERER. Will you answer the question and then explain it?

Mr. KIM. Since 1945 I didn't have any chance to.

Mr. SCHERER. All right.

Mr. KIM. There was immediate circumstances that didn't allow me to apply for citizenship.

Mr. SCHERER. You didn't apply.

Now, you can state your reasons.

Mr. KIM. Because, yes, since 1945 there was deportation proceedings against me.

Mr. SCHERER. That is a good reason.

Mr. TAVENNER. I am going to refer to you by your Korean name, Kim Kang.

Will you tell the committee, please, where you now reside?

Mr. KIM. I live in Los Angeles.

Mr. TAVENNER. What address?

(The witness conferred with his counsel.)

Mr. KIM. I refuse to answer this exact address on the ground of the first and fifth amendments.

Mr. JACKSON. Mr. Chairman, I ask that he be directed to answer the question.

Mr. DOYLE. I direct you to answer the question, Mr. Kang. It is a reasonable question, we believe.

(The witness conferred with his counsel.)

Mr. KIM. If you insist, I would give you my address off the record, not on the record.

Mr. TAVENNER. Mr. Chairman, I respectfully request that he be directed to answer the question on the record.

Mr. DOYLE. I direct you to answer the question, Mr. Kang.

(The witness conferred with his counsel.)

Mr. KIM. I refuse again on the ground I mentioned already.

Mr. TAVENNER. Do you live at 1441 West Jefferson Boulevard, Los Angeles?

(The witness conferred with his counsel.)

Mr. KIM. I refuse to answer that question again on the ground I previously stated.

Mr. DOYLE. I direct that you answer the question, Mr. Kang.

(The witness conferred with his counsel.)

Mr. KIM. On the same grounds I again refuse to answer that question.

Mr. TAVENNER. In what business are you engaged, Mr. Kim Kang?

Mr. KIM. I refuse to answer this question again on the ground previously stated.

Mr. SCHERER. Are you engaged in an illegal enterprise at the present time?

(The witness conferred with his counsel.)

Mr. KIM. I didn't do anything wrong in my making living since 1938 in this country.

Mr. JACKSON. This is not responsive to the pending question, and I ask that the witness be instructed to answer the question.

Mr. KIM. I refuse to answer this question again on the ground of the first and fifth amendments.

Mr. SCHERER. If he says now he hasn't done anything wrong since 1928, how can he then invoke the fifth amendment in refusing to answer as to his present occupation or present business? In saying "I refuse to tell you what my present business is, because to do so might tend to incriminate me" he is obviously improperly invoking the fifth amendment and isn't invoking it in good faith on the basis of his answer. The only way he could invoke the fifth amendment on the basis of his occupation is that he is engaged in an illegal enterprise.

Mr. JACKSON. I ask for further direction, Mr. Chairman.

Mr. SCHERER. He says he hasn't engaged in an illegal enterprise so his invocation of the fifth amendment is obviously, on the record, improper.

Mr. DOYLE. You have had the opportunity to confer with counsel and I want it clear on the record and to your attention, too, I direct you to answer that question.

Mr. KIM. Mr. Chairman, I refuse to answer on the ground of the first and fifth amendments including that fifth amendment will protect the innocent.

Mr. SCHERER. Didn't you just tell us you haven't done anything wrong since 1928? Didn't you just tell us that? Didn't you just say that a few minutes ago, in response to my question whether or not you had been engaged in any illegal enterprise?

(The witness conferred with his counsel.)

Mr. KIM. In my life here in this country.

Mr. SCHERER. My question is, didn't you say that?

Mr. SAMUELS. Just a moment, please. Permit him to answer the question. He started to do it.

Mr. SCHERER. Just a minute. He isn't answering. My question was, didn't you say to us a few minutes ago in response to my question whether or not you were engaged in an illegal enterprise, and you said "I haven't done anything wrong since 1928." Didn't you make that response to my question?

(The witness conferred with his counsel.)

Mr. KIM. As I stated before, I repeat again there was nothing wrong in my life in this country. So I invoke the fifth amendment.

Mr. JACKSON. Because there was nothing wrong in your life you invoke the fifth amendment?

Mr. KIM. Yes.

Mr. JACKSON. That is hardly a legal reason. So far as I am concerned, Mr. Chairman, I consider that the answers upon which directions have been issued are completely unacceptable and constitute in my mind a misuse of the fifth amendment.

Mr. DOYLE. I was just going to state substantially the same thing, Mr. Kang, so that you will understand the committee does not accept your answer as a valid justified claim of constitutional privilege.

Mr. SCHERER. I might further say it is my opinion, I assume it is you gentlemen's opinion that he is clearly in contempt if he continues to refuse to answer the question as to his present occupation, particularly in view of his voluntary statement that he has done nothing wrong.

Mr. DOYLE. That is right.

Mr. Kang having told you that as chairman of the committee, you heard Mr. Jackson state it and Mr. Scherer, I again direct you to answer that question so that there will be no confusion or misunderstanding on your part. You have frequently conferred with counsel and that is his privilege, and yours, and we are glad he is here to advise you on your constitutional rights, but I want it clear on the record I am directing you to answer that question.

Mr. KIM. Yes, I again invoke the fifth amendment, as well as the first amendment. I believe and I understand that the fifth amendment protects innocent as well as otherwise.

Mr. DOYLE. Thank you.

Next question, Mr. Tavenner.

Mr. TAVENNER. Mr. Kim Kang, the committee's investigation indicates that an organization was formed in the city of Los Angeles for the publishing of a paper known as the Korean Independence. Our information is that it was about 1943 that this paper was established. Will you tell the committee, please, whether Choon Ho Pyen, C-h-o-o-n H-o P-y-e-n was the treasurer of this organization, if you know?

Mr. KIM. You stated that this person is connected with the paper, in other words, the press, press is connected in the first amendment,

you are invading first amendment, freedom of press. Since I live in this country I want to uphold the American Constitution and I refuse to answer that kind of question.

Mr. SCHERER. It is strange to me to have a man in this position who said he was arrested for deportation, he is not a citizen, charging us with violating the Constitution, this North Korean.

Mr. KIM. Mr. Scherer, I am not arrested for deportation because of my fault. It is United States Government fault, let us understand this point.

Mr. SCHERER. You said it. I didn't ask you. You volunteered the statement that you didn't apply for citizenship——

Mr. KIM. I clarify that situation why I was arrested. It is not my fault.

Mr. TAVENNER. May I have a direction?

Mr. SCHERER. It is not you people's fault, it is the Government's fault in every case when you are arrested.

Mr. DOYLE. Mr. Kang, I direct you to answer the question. As I understand the question, it isn't a question of freedom of the press, it is a question of whether or not, as Mr. Tavenner asked you, whether or not a certain individual was treasurer of that newspaper and that certainly doesn't enter into the freedom of the press.

I regret hearing you, a noncitizen of my country all these years, saying that my Government is at fault. I thought maybe you were a little bit at fault, but maybe you are not. You claim you are not, but it is not very pleasant to hear a man that hasn't proved his right to citizenship for 10 or 12 years, charge my Government being at fault because you are not a citizen. I direct you to answer the question. If you don't like our country, why don't you get out. [Applause]

Mr. KIM. Mr. Doyle, I didn't say anything about I don't like this country. I love this country. That is why I volunteered to serve for Armed Forces. I want you to understand that point clearly.

Mr. DOYLE. There is a lot of service that can be rendered to my country without being in military uniform. You understand that. The service to my country in peacetime without being in uniform is just as important as military uniform service.

(The witness conferred with his counsel.)

Mr. DOYLE. Why don't you give our country some of that kind of service?

Mr. JACKSON. Regular order, Mr. Chairman. It is getting late and if we are going to get out of here at all today we better have questions.

Mr. KIM. I want to answer that question.

Mr. JACKSON. There is direction on a question that has been asked. I ask for the regular order.

Mr. DOYLE. Will you answer the question?

Mr. KIM. That question, as I answered already, I repeat again this question is connected with press——

Mr. DOYLE. We have heard that. Will you claim your constitutional privilege if you are going to, or answer the question directly. We understand.

Mr. KIM. Yes; I take the privilege to invoke first amendment, supplemented by the fifth amendment.

Mr. DOYLE. So there will be no misunderstanding in your mind or in the record, I direct you to answer that question.

(The witness conferred with his counsel.)

Mr. KIM. The same answer to the same question.

Mr. TAVENNER. Are you acquainted with a gentleman whose name I presented to you, Mr. Choon Ho Pyen?

Mr. KIM. Mr. Tavenner, I refuse to answer that question because it is connected with freedom of association.

Mr. TAVENNER. May I ask that he be directed to answer.

Mr. DOYLE. I direct you to answer the question, Mr. Kim.

Mr. KIM. I refuse to answer that question on the ground which I invoked previously.

Mr. TAVENNER. Is his address also 1441 West Jefferson, Los Angeles?

Mr. KIM. I repeat, refuse to answer this question on the ground previously stated.

Mr. TAVENNER. Are you acquainted with a person by the name of Harold W. Sunoo?

Mr. KIM. Mr. Tavenner, this is again question connected with the freedom of association. I love this country, I uphold United States Constitution in this matter. I refuse to answer question as I previously stated.

Mr. TAVENNER. Did Mr. Sunoo have any active part in the original formation of your newspaper, the Korean Independence?

Mr. KIM. It is almost same question and I refuse to answer that question on the ground previously stated.

Mr. TAVENNER. Are you acquainted with Reverend Sa Min Lee, S-a M-i-n L-e-e?

Mr. KIM. Mr. Tavenner, I cannot inform you all this personnel you ask, that is against the freedom of association. You try to invade my right, my private, my privacy, I refuse to answer question again on the ground previously stated.

Mr. TAVENNER. Did Reverend Lee change his name to Sa Min from the Korean name, Kyung Sun, K-y-u-n-g S-u-n?

Mr. KIM. You give me same answer and I have—same question, I give you same answer, on the ground previously stated.

Mr. JACKSON. Mr. Chairman, it has been some time since we have had the legal grounds for refusal. May they appear again at this time? He has talked about freedom of press, freedom of assembly, freedom of association. I think it would be a good idea if the legal grounds are stated again.

Mr. DOYLE. To make sure the record shows the witness is claiming his constitutional privilege.

Mr. KIM. All this ground I mentioned is good legal ground, as I understand, so I understand this is boundary which Congress cannot invade.

Mr. DOYLE. Just a minute. We don't have time for you to make any more speeches, but will you please claim your constitutional privilege as a matter of clarity in the record so we will understand that is what you intend to do.

Mr. KIM. Mr. Chairman, I just answered to the question Mr. Jackson put to me and I have right in front of me here Congress shall make no law respecting the establishment of religion, private and free exercise thereof—

Mr. DOYLE. Mr. Kang, please cooperate in the interest of saving your own time, too. If you are claiming your constitutional privi-

lege, then use the form of answer you previously used in claiming and specify that you do claim your first and fifth amendment.

(The witness conferred with his counsel.)

Mr. JACKSON. I didn't intend to start a long harangue or debate here. I thought in the interest of the witness himself we should have his legal reasons for refusing to answer very clearly down in the record again because I was somewhat confused as to what he was claiming. I thought that the legal grounds should appear again as much for his protection as for anything else.

Mr. KIM. In order to answer that question, that is why I hold this beautiful right.

Mr. JACKSON. Mr. Kang, you know perfectly well what constitutional grounds you are standing upon. They are first and fifth amendments. At least that is my impression. I should like to have it restated in order that it might be clearly in the record. We are all familiar as American citizens with the Bill of Rights as you are as a noncitizen, so don't lecture us on them. If you will please give your legal grounds, I think we can move along and all of us get some lunch.

Mr. KIM. I refuse to answer this question on the ground of the first and fifth amendments previously stated.

Mr. TAVENNER. Mr. Kim Kang, I have before me a photostatic copy of a letter written, according to testimony under oath given before this committee, by the two last mentioned persons that I inquired about; that is, Mr. Sunoo and Reverend Lee. This letter was addressed to the Prime Minister of North Korea and to the Foreign Minister of North Korea. It was smuggled into North Korea through a returning Korean—that is, a Korean returning to South Korea. This letter was originally discovered and obtained after the United States captured North Korean territory.

The letter not only refers to you but it also refers to the function that the Korean Independence paper was performing.

I want to read that letter into the record here now, and I want to base some questions on it.

Mr. SAMUELS. May we see that, Mr. Tavenner?

Mr. TAVENNER. Not now.

This letter, it was testified by Mr. Sunoo, was written by him and Reverend Lee. The letter is as follows:

To Comrades: Kim Il Song, K-i-m I-l S-o-n-g—

I add parenthetically that he was the Prime Minister of Korea at the time of the writing of this letter which was November 15, 1948.

Mr. SCHIERER. Prime Minister of North Korea?

Mr. TAVENNER. North Korea.

And Pak Hon Yong, P-a-k H-o-n Y-o-n-g, who in 1948 was the Foreign Minister of North Korea. I quote from the letter:

This letter is better written in the belief that it will be delivered through a trustworthy messenger, i. e., utilizing the return home of comrade Namgung Yosol. This writer transmitted to Comrade Kim Il Song for the first time since liberation in April 1947 the situation of Korean residents on this side of the Pacific, the progress of the independence movement, conditions in the United States and activities of party comrades, through Dr. Han Hung Su, who resided in the capital of Czechoslovakia and through representatives who participated in the World Professional League which opened here.

In July of the same year a translation copy of Dialectical Materialism and a letter were sent through a representative who participated in the World Young Men's Meeting. In September of this year while I was staying in Los Angeles, Calif., a letter was sent to comrade Kim Il Song under the name of four comrades: Pyon Chun Ho, Kim Kang, Hyon Alice and myself, Lee Sa Min * * *.

Will you give me the correct pronunciation of that name Pyon Chun Ho.

(The witness conferred with his counsel.)

Mr. KIM. I refuse to answer that.

Mr. TAVENNER. Do you refuse to pronounce the Korean name?

Mr. KIM. Yes.

Mr. SCHERER. I ask that you direct the witness. All he has been asked to do is give a correct pronunciation of that name.

Mr. DOYLE. I direct that you give the correct pronunciation of the Korean name.

Mr. TAVENNER. My question was will he pronounce the name for the committee.

Mr. KIM. I refuse to pronounce it.

Mr. TAVENNER. All right. Don't let's lose time with it.

Parenthetically, I will say he is the person whose name I inquired about as the treasurer of Korean Independence, and occupying the address of 1441 West Jefferson, Los Angeles.

Mr. SCHERER. He is an associate of this witness here in the publication of the newspaper and they live at the same address or have their business at the same address, is that right?

Mr. TAVENNER. Yes.

Continuing to read the names of the four persons referred to by the writer of this letter, "Kim Kang, Pyon Chun Ho, Hyon Alice," H-y-u-n A-l-i-c-e. I will stop for a moment.

Is H-y-u-n the correct spelling for Hyun?

(The witness conferred with his counsel.)

Mr. DOYLE. Are you asking the witness that question?

Mr. TAVENNER. I am.

Mr. KIM. I refuse to answer that question.

Mr. SCHERER. I ask a direction.

Mr. DOYLE. You heard the question?

Mr. KIM. Yes.

Mr. DOYLE. You understand the question?

Mr. KIM. Yes.

Mr. DOYLE. I direct you to answer.

(The witness conferred with his counsel.)

Mr. KIM. I refuse to answer this question on the ground previously stated.

Mr. TAVENNER. You are acquainted with Alice Hyun, are you not?

Mr. KIM. I refuse again on that question. It is the same kind of question. I have to answer same way.

Mr. TAVENNER. Is she the sister of Peter Hyun?

Mr. KIM. I refuse to answer that question again on the same grounds.

Mr. TAVENNER. Are you acquainted with Peter Hyun?

Mr. KIM. I refuse to answer that question again on the same ground.

Mr. TAVENNER. Do you know where Alice Hyun is now?

Mr. KIM. I refuse to answer that question again on the same ground.

Mr. SCHERER. Peter Hyun has been identified, has he not?

Mr. TAVENNER. Peter Hyun was identified as the executive secretary of the Southern California Peace Crusade for a period of years, as having given Communist Party directives to the San Diego Peace Forum for the conduct of its business.

Mr. DOYLE. He was positively identified yesterday right in this room.

Mr. SCHERER. I wanted it in the record.

Wasn't Peter Hyun the man that arranged with Mrs. Schneider to have Dr. Kingsbury stay at her home?

Mr. TAVENNER. Yes.

Mr. JACKSON. Is he also the object of deportation proceedings?

Mr. TAVENNER. Peter Hyun? I do not know. I do not think so.

The fourth of the individuals mentioned is mentioned in this language:

And myself, Lee Sa Min, through comrade Chong Wellington.

That is, if I am reading this document as I have, it is hard, I know, to keep the thread of it in mind, so I will interpolate with the committee's permission.

That refers to the delivery of Dialectical Materialism, that is, a Korean translation through Chong Wellington who departed to study at the capital of Czechoslovakia.

Were you acquainted with Chong Wellington?

Mr. KIM. I refuse to answer that question again on the same ground.

Mr. TAVENNER (continuing):

It is unnecessary to write about the things reported in these letters, so I will write about conditions in the United States as seen at this time of the recent elections, the activities of party members in the United States and liaison with our home country.

What were the other matters referred to in this last sentence when the writer says it is unnecessary to write about the other things reported?

(The witness conferred with his counsel.)

Mr. KIM. May I see the letter you have there?

Mr. TAVENNER. I will let you read it in a moment.

(The witness conferred with his counsel.)

Mr. KIM. May I examine the letter before my answer?

Mr. TAVENNER. No, I think you can answer that question. If it is a question of your doubting whether I am correctly reading it, I would be very glad for you, counsel, to come here and sit by me and see that I read it correctly.

Mr. SAMUELS. I just want to examine it, Mr. Tavenner. I will take your word that you are reading it correctly if I examine it.

Mr. TAVENNER. Very well.

(Witness' counsel examining letter.)

Mr. TAVENNER. Now, will you answer the question, please?

(The witness conferred with his counsel.)

Mr. KIM. I refuse to answer this question on the ground previously stated.

Mr. TAVENNER. The next paragraph in the letter or next series of paragraphs appear under a heading "Conditions in the United States" which I shall not take time to read.

Mr. SCHERER. Before you go further, will you tell us the date of that letter?

Mr. TAVENNER. November 15, 1948.

The next heading in the center of the page is "Activities of Party Members." I read as follows:

We, the members of this party, following the pattern of the United States Communist Party activity, have been steadily performing our assigned duties in order to fulfill the mission of liberating the fatherland. The present party membership totals 26: 13 in Los Angeles, 1 in San Francisco, 5 in Seattle, 1 in Chicago, 4 in New York, and 2 in Washington.

Were you a member of a Korean group of 26 individuals as indicated, which group was described by that paragraph which I read?

Mr. KIM. This sounds like Korean political activity for the liberation of the fatherland, and as such I refuse to answer your question on the ground of first and fifth amendments.

Mr. TAVENNER. Well, if you say that this appears to you to be a political effort to release the fatherland, you are speaking of North Korea, of which you were a native. Do you mean to indicate that you were involved in an effort to assist North Korea in 1948?

Mr. KIM. As I heard it, it doesn't mention either North Korea or South Korea. As a whole liberation of fatherland sounds very good to me, but I refuse to answer this question.

Mr. TAVENNER (continuing):

Since the majority of members are in Los Angeles and it being a center of the Korean settlement we have organized the Korean group (once organized, but dissolved within a year), with the permission and approval of the United States Communist Party. Having resumed our activities and set our policies, a meeting is held once a month to collect information, receive reports from outlying members and discuss Korean problems.

Is that a correct statement of activities of individual Koreans in Los Angeles as far as you know?

Mr. KIM. I didn't get your exact nature of question. Many things involved there.

I don't know how to answer.

Mr. TAVENNER. I will reread that paragraph and I will ask you to state whether or not it is a correct and truthful statement insofar as you have information about it—if there is any statement that is wrong, point it out. The paragraph reads as follows:

Since a majority of members are in Los Angeles, and it being a center of the Korean settlement, we have reorganized the Korean group (once organized, but dissolved within a year), with the permission and approval of the United States Communist Party.

Mr. KIM. Are you through or do you have something else?

Mr. TAVENNER. I am not through, but if you desire to answer to as much as I have read, proceed.

Mr. KIM. Since you said that letter is written by somebody else, you have to ask that person, I cannot say it is correct or not correct.

Mr. TAVENNER. You do not know?

Mr. KIM. I refuse to answer that question on the same ground.

Mr. TAVENNER (continuing):

Having resumed our activities and set our policies, a meeting is held once a month to collect information, receive reports from outlying members, and discuss Korean problems.

Did you engage in or attend any meetings of that character in Los Angeles?

Mr. KIM. I refuse to answer that question.

Mr. TAVENNER. I continue to read:

The following seven members of our party have been appointed to represent the party: Pyon Chun Ho—

that is the name you refused to tell us the pronunciation of—

Kim Kang—

that is you—

Hyon Alice, all of Los Angeles; Sonu Hak Won—

the individual who testified in Seattle—

Lee Sa Min, Sin Tu Sik, (S-i-n T-u S-i-k), and Kwak Chong Sun, (K-w-a-k C-h-o-n-g S-u-n), New York; for liaison work among members, investigations of party policies and for liaison with the United States Communist Party headquarters. As for the party front organizations there are the Democratic Peoples Front League and the Progressive Party support organization and they are openly keeping in contact with Korean peoples associations performing their present activities in groups with union organizations and other progressive parties.

Will you tell the committee, please, what activities you engaged in as one of the seven members appointed to represent the party if you were so appointed as indicated by this letter.

Mr. KIM. I again refuse to answer the question on the ground I previously invoked.

Mr. TAVENNER. Continuing to read:

Recently the Progressive Party and union organizations held a mass meeting with the cooperation of the Democratic Peoples Front League and the Progressive Party support organization which progressed successfully, using the following slogans:

1. The U. S. Army must withdraw from South Korea as U. S. S. R. did from North Korea.

2. Announcement of the establishment of the North Korea Democratic Peoples Republic.

3. Abolition of segregation of orientals in the United States.

4. Unconditional release of the leaders of the United States Communist Party and Progressive Party.

The national assemblies of Hawaii and the United States have denied recognition to the North Korean Government. Months ago the national assembly and we recommended recognition of the Republic which was organized in North Korea, through the Democratic Peoples Front League but no answer has yet been received. We tried to send a message to the U. N. General Assembly in Paris to advise withdrawal of the U. S. Army from South Korea as U. S. S. R. troops were withdrawn from North Korea through a national assembly petition but failed. The Democratic Peoples Front League alone had sent the message.

The next heading is "The Independence News."

Mr. SCHERER. Is that his paper?

Mr. TAVENNER. Yes, sir. [Reading:]

We publish weekly. The Independence News as an organ of expression. During wartime prosperity when our party members' income was high we expended \$10,000 annually, but now our newspaper is maintained at a cost of \$3,000 per annum: prorated among standing party executives. This amount seems trivial but we, party executives, totaling less than 20, have been devoting ourselves to this mission. We publish 2,000 copies per edition which are distributed widely among the political leaders, unions, schools, libraries, churches and Korean communities in Great Britain, China, Canada, Mexico, Cuba, Hawaii and the United States. We realize that the quality and quantity of our newspaper are below par but since there are numerous handicaps, it is hard to expect further improvement.

Was your newspaper, the Independence News, used for the purpose indicated?

Mr. KIM. I again refuse to answer this question on the ground I previously stated.

Mr. TAVENNER. Continuing to read:

We can, however, proudly say that we are the only ones who report correct ideas and news on Korean people. Even some foreigners as well as our fellow travelers state that the Independence News is the best among four other Korean newspapers. The news of North Korea has been reported only by the Independence. We published your messages as soon as they were announced and we received the information. We printed the news and important announcements which were issued during the South-North Convention held last August and September. We have decided to continue publication of this newspaper until the 38th parallel is abolished.

The next heading pertains to liaison:

1. It is absolutely imperative that liaison with our country be maintained through exchange of propaganda materials, news, information, newspapers, and periodicals. It seems, however, impossible under the present circumstances to maintain the flow of communications to our country through the North Korean missions in East European countries (i. e., Czechoslovakia, Poland, etc.). We were able to communicate several times while Han Hung Su was in Czechoslovakia, but we have not had any word from there for approximately 1 year. We have not heard from Comrade Chong Wellington who went over there a month ago. We have, however, received an uncensored letter in the United States from Comrade Lee Tuk Hwan (L-e-e T-u-k H-w-a-n) in P'yongyang through the U. S. S. R. If a letter is of a most urgent nature, it can be sent through our missions located in East European countries and the U. S. S. R. during their trips to this country. It is requested that you inform us of appropriate channels. The addresses to be used for the purpose of communication to United States follow—

Mr. JACKSON. May I ask a question at that point? Does the staff and whoever has analyzed this interpret that to mean that diplomatic pouches were to be used for the transfer of information and any communications which this group in Los Angeles wanted to conduct elsewhere throughout the world?

Mr. TAVENNER. Yes, sir, that is true and there has been reference to it, I am not sure whether it is in evidence now or will later be, of the use of the Soviet Embassy for that same purpose in other connections.

Mr. JACKSON. Thank you.

Mr. SCHERER. This letter was gotten through to North Korea by what means?

Mr. TAVENNER. This letter was sent from the composers in Seattle but who were formerly in Los Angeles, through a young man who was returning to South Korea for delivery to an underground source for delivery into North Korea and after our troops captured North Korean territory this letter was found.

Continuing to read—

Mr. SCHERER. Let's get it straight. The authors of this letter were who?

Mr. TAVENNER. Reverend Lee and Mr. Sunoo. Mr. Sunoo testified before this committee in Seattle and the courier who actually delivered the letter, and was more or less an innocent party in the thing also testified in Seattle that he did deliver this letter to an underground source in a university, I believe, in South Korea.

Mr. SCHERER. Will you state again for the record how the authors of this letter are identified with this witness?

Mr. TAVENNER. This witness refused to testify with regard to their identity, but the witness. Mr. Sunoo, testified that he had played a part in the organizing of this newspaper and the letter itself states the connection between Reverend Lee and this newspaper and the witness.

Mr. SCHERER. And the witness is the editor of the newspaper?

Mr. TAVENNER. Yes.

Mr. SCHERER. At the present time?

Mr. TAVENNER. I am not certain the investigation shows at the present moment that he is, but at least until a recent date he was; as of today I don't know.

Mr. DOYLE. The two former Korean citizens in Seattle, did they cooperate with the committee to give us the information?

Mr. TAVENNER. Yes, they did and I should add for the record at this time that Mr. Sunoo himself went to Czechoslovakia with the idea in mind of going from there to North Korea and his experience in Czechoslovakia was such that he changed his ideas about communism and left the Communist Party and came back to this country with the idea in mind of exposing its international character and its conspiratorial nature as fully as he could, and for that reason he was a witness who answered all questions that we asked him.

Mr. DOYLE. Did either or both of those Koreans that testified before us in Seattle formerly live in Los Angeles?

Mr. TAVENNER. Sunoo lived here for a while. The messenger did not.

Mr. SCHERER. What was the address of Sunoo?

Mr. TAVENNER. I don't know Sunoo's address.

Mr. DOYLE. In other words, neither of those Koreans pleaded their constitutional privilege?

Mr. TAVENNER. No, sir.

May I read the next sentence in this paragraph:

It is requested that you inform us of appropriate channels. The addresses to be used for the purpose of communication to United States are as follows:

(1) Messrs. H. Sunoo and S. Lee—

They were the writers of this letter—

3668 Interlake Avenue, Seattle, Wash., U. S. A.

(2) Messrs. K. Kim and C. Pyen—

the spelling is with one "m", K. K-i-m, and C. P-y-e-n—

1441 West Jefferson Boulevard, Los Angeles, Calif., U. S. A.

Mr. SCHERER. Let's clarify for the record a little further. That address which you just read was the address that this witness refused to say, invoking the fifth amendment as to whether or not it was his present address?

Mr. TAVENNER. It was either his residence or place of business.

Mr. SCHERER. What does your investigation show?

Mr. TAVENNER. The investigation of the committee shows that that is the place of the office of his business, or was in 1943 when this organization was formed.

Mr. SCHERER. Was our investigator's finding correct, that that was your place of business where you published this newspaper at that time?

(The witness conferred with his counsel.)

Mr. KIM. Mr. Chairman, I refuse to answer this question on the ground I previously stated.

Mr. SCHERER. It is obvious that our investigators are pretty good.

Mr. TAVENNER. The investigation shows that the certificate on file with the court on February 14, 1944, shows that the retail business license and sales tax permit to Diamond Kim, K-i-m-m, was 1441 West Jefferson.

Mr. SCHERER. Is this newspaper being published today, Mr. Tavenner? Or in the recent past.

Mr. TAVENNER. Yes.

Mr. SCHERER. Where is it published from at this date?

Mr. TAVENNER. Our investigation shows that the Korean Independence has the address of 1350 West Jefferson Boulevard.

Mr. SCHERER. Same address?

Mr. TAVENNER. That is not the same.

Mr. SCHERER. Two blocks away.

Mr. TAVENNER. I am not sure how far. Apparently the retail end of the business was located at the address given to the clerk of the court, 1441 West Jefferson, while the publication of the newspaper was from 1350 West Jefferson. That would be the entrance, probably.

Mr. SCHERER. Where are you publishing your newspaper today, Witness?

Mr. KIM. I refuse again this question on the ground I invoked already.

Mr. JACKSON. Mr. Chairman, I ask that the witness be directed to answer the question.

Mr. DOYLE. I direct you to answer that question, Mr. Kang. I didn't know the freedom of the press extended to secrecy as to where it was being published in my country. I direct you to answer the question.

(The witness conferred with his counsel.)

Mr. KIM. Mr. Chairman, as I heard the reading quite intently, that letter did not mention anything about overthrowing of the United States Government or any sabotage against the American military forces in South Korea. Why you have to be very practical on this point, I don't see your question at all, why does the Congress investigate this Korean problem.

Mr. DOYLE. The letter speaks for itself and your newspapers show what you have been writing. We are not unfamiliar with some of that. I direct you to answer the question. Two of your former colleagues in Seattle thought enough of the United States to help the Congress of the United States and they didn't plead the amendments. They valued their residence in the United States quite differently than you do, apparently. I direct you to answer the question.

Mr. KIM. I want to cooperate with all my heart to uphold the United States Constitution and the Bill of Rights with your committee.

Mr. DOYLE. Your heart isn't very big.

Mr. JACKSON. There is a direction, Mr. Chairman, and I ask that it be pressed.

Mr. KIM. I refuse to answer this question on the ground of the first amendment supplemented by the fifth amendment.

Mr. TAVENNER (continuing):

II. Although almost all comrades here wish to repatriate, they were not permitted to repatriate even to South Korea, in spite of the fact that they had made application for repatriation after the Liberation. Apparently the only way to repatriate is through east European countries. We believe that some helpful arrangements by the missions of the east European countries should be made for this purpose. It is also requested that you inform us what appropriate steps should be taken, and what preparations are necessary, and information which would be of reference value, during our stay here in the US.

III. Any requests for information pertaining to research or survey which will help in the country's reconstruction will be heartily welcomed by us. We shall do our best to comply. If you have something to state on the individual's problem of education, we can assure you that there are comrades who according to their technical qualification could engage in the field of industry, education, journalism, medicine, and politics in the future. If possible it is requested that you send a reply to this letter through the same channels by which it will be sent or through the east European countries. We also want to know about the departure of Dr. Han Hung Su from Korea.

Hurrah! for the Korean Democratic People's Republic.

Hurrah! for Our true leaders, comrades Kim Il Song and Pak Hon Yong!
15 Nov. 48.

(S) LEE SA MIN,
SONU HAK WON,

Representatives of Party Comrades in Seattle, USA.

P. S.: (1) The armed revolutionary movements which successively occurred in South Korea from the middle of October greatly stirred not only the United States populace and Government officials but also caused an international sensation.

(2) We wish to send leftwing publications and other necessary books and magazines to you if possible. Please advise us on this matter also.

(3) A casting mold for use in a linotype machine for Korean characters is made at a printing machinery company here. It can be purchased for only four or five hundred won (TN Presumably dollars.) If you can buy a linotypewriter, we will send you the casting mold for Korean characters. By using this machine, it will be possible to speed up and increase publication of Korean books. It will help greatly in public enlightenment movements.

(4) If there are any books which must be translated urgently, send them to us immediately so that our comrades can translate and ship them back. Please advise us on this matter also.

I desire to offer that document in evidence in the form that it is in and marked "Kim Exhibit No. 1."

Mr. SAMUELS. Do you care to show that to the witness, as you indicated?

Mr. TAVENNER. Yes.

Mr. DOYLE. It will be so received and so marked.

(Document handed to witness; witness conferred with his counsel.)

(The exhibit referred to is as follows:)

KIM EXHIBIT No. 1

To Comrades: KIM Il Song (金日成)
PAK Han Yong (朴憲永)

This letter is being written in the belief that it will be delivered through a trustworthy messenger, i.e. utilizing the return home of comrade NAMGUNG YOSOL (南宮堯溶). This writer transmitted to comrade KIM Il Song for the first time since liberation in April 1947 the situation of Korean residents on this side of the PACIFIC, the progress of the independence movement, conditions in the US and activities of party comrades, through Dr HAN Hung Su (韓興洙), who resided in the capital of CZECHOSLOVAKIA and through representatives who participated in the World Professional League which opened here.

In July of the same year a translation copy of "Dialectical Materialism" and a letter were sent through a representative who participated in the World Young Men's Meeting. In September of this year while I was staying in LOS ANGELES, CALIFORNIA a letter was sent to comrade KIM Il Song under the name of four comrades: PYON Chun Ho (朴春浩), KIM Kang (金剛), HYON Alice (玄愛麗絲) and myself, LEE Sa Min (李思民) through comrade CHONG Wellington (鄭維光) who departed to study at the capital of CZECHOSLOVAKIA. It is unnecessary to write about the things reported in these letters, so I will write about conditions in the US as seen at this time of the recent elections, the activities of party members in the US and liaison with our home country.

Conditions in the US

Although everybody expected that the Republican Party would win the recent US elections, the Democratic Party finally won. It is difficult to state the reasons briefly but we can say that TRUMAN's election speech had a great effect. This speech was a repetition of the policies of the late President ROOSEVELT. On the other hand the Democratic Party victory could also be considered as a repulsion of the Wallace Progressive Party movement.

TRUMAN grasped the administrative power after the death of ROOSEVELT and it is a fact that he was acting as a tool of the monopolistic plutocrats, surrendering to the Republican Party Hooverism.

Prior to the elections, the Taft faction emphasized policies advocated by WALLACE's followers, such as opposing anti-labor laws, monopolistic plutocrats, the Un-American Activities Committee, and discrimination against Negroes, and advocating peace, price controls and health and housing programs. Although there is a trend of the general public sentiment to desire peace and reject monopolistic plutocrats, even if there had been three or four times as many enthusiastic members in the audience at election speeches given by the Progressive Party's WALLACE as there were at the Democratic and Republican Party meetings, the people would have turned away from him and chosen TRUMAN because they knew that the Progressive Party had no chance to win the final victory.

Since the Republican Party's policies are traditionally centered around the plutocrats, the people, threatened by the panic of a chronic depression, had to vote for the Democratic Party even if they were suspicious of TRUMAN. Both houses are now controlled completely by the Democratic Party so it is possible that

US policy, which was heading for Fascism, may be slightly mollified as the people battle for realization of the promises made at the time of the elections.

Something of a compromise in foreign policy, especially Soviet policy, can be expected. Of course she is not in a state to make war. There is a difference in opinion between the President and Secretary of State MARSHALL regarding the problem of a military alliance in Western EUROPE, and the President was going to send the Chief Justice of the Supreme Court VINSON to MOSCOW. It is also rumored that Secretary of State MARSHALL and Secretary of Defense FORRESTAL will resign from their posts.

It is true that the Department of State and the Army had a slight difference of opinion regarding the withdrawal of troops from KOREA. The Army insisted on the withdrawal of troops as soon as possible from SOUTH KOREA and strengthening JAPAN because it is difficult to defend SOUTH KOREA from a strategical point, while the Department of State insisted on delaying the withdrawal until US power was established in SOUTH KOREA. Anyhow, it can be expected that troops will be withdrawn after the Paris UN General Assembly because of international dignity. Even after the withdrawal, intervention will be carried on as in CHINA and GREECE. Even after the withdrawal of troops, the US expects that the strategy of LEE Pm Sok (李範奭), Prime Minister and Minister of Foreign Affairs of the Puppet South Korean Government (南朝鮮政府), and the arming of his more than one million Youth Party Members will be able to win over NORTH KOREA. Anyhow, we believe utmost caution must be exercised with regard to LEE Pm Sok because he is a vicious antirevolutionary fascist dictator.

Activities of Party Members

We, the members of this party, following the pattern of the United States Communist Party activity, have been steadily performing our assigned duties in order to fulfill the mission of liberating the fatherland. The present party membership totals 26: 13 in LOS ANGELES, one in SAN FRANCISCO, five in SEATTLE, one in CHICAGO, four in NEW YORK and two in WASHINGTON.

Since the majority of members are in LOS ANGELES, and it being a center of the Korean settlement, we have reorganized the Korean group (once organized, but dissolved within a year), with the permission and approval of the United States Communist Party. Having resumed our activities and set our policies, a meeting is held once a month to collect information, receive reports from outlying members and discuss Korean problems.

The following seven members of our party have been appointed to represent the party: PYON Chun Ho (下山春浩), KIM Kang (金岡), and HYON Alice, all of LOS ANGELES; SONU Hak Won (孫于學源), and LEE Sa Min, SEATTLE; SIN Tu Sik (申斗錫), and KWAK Chong Sun (郭正淳), NEW YORK; for liaison work among members, investigations of party policies and for liaison with the United States Communist Party headquarters. As for the party front organizations there are the Democratic Peoples Front League and the Progressive Party Support Organization and they are openly keeping in contact with Korean peoples associations performing their present activities in groups with union organizations and other progressive parties.

Recently the Progressive Party and union organizations held a mass meeting with the cooperation of the Democratic Peoples Front League and the Progressive Party Support Organization which progressed successfully, using the following slogans:

1. The US Army must withdraw from SOUTH KOREA as USSR did from NORTH KOREA.
2. Announcement of the establishment of the North Korea Democratic Peoples Republic.
3. Abolition of segregation of orientals in the UNITED STATES.
4. Unconditional release of the leaders of the United States Communist Party and Progressive Party.

The national assemblies of HAWAII and the UNITED STATES have denied recognition to the North Korean Government. Months ago the national assembly and we recommended recognition of the Republic which was organized in NORTH KOREA, through the Democratic Peoples Front League but no answer has yet been received. We tried to send a message to the UN General Assembly in PARIS to advise withdrawal of the US Army from SOUTH KOREA as USSR troops were withdrawn from NORTH KOREA through a national assembly petition but failed. The Democratic Peoples Front League alone had sent the message.

"The Independence News"

We publish weekly, "The Independence News" as an organ of expression. During wartime prosperity when our party members' income was high we expended 10,000 dollars annually, but now our newspaper is maintained at a cost of 3,000 dollars per annum: pro-rated among standing party executives. This amount seems trivial but we, party executives, totaling less than twenty, have been devoting ourselves to this mission. We publish 2,000 copies per edition which are distributed widely among the political leaders, unions, schools, libraries, churches and Korean communities in GREAT BRITAIN, CHINA, CANADA, MEXICO, CUBA, HAWAII and the UNITED STATES. We realize that the quality and quantity of our newspaper are below par but since there are numerous handicaps, it is hard to expect further improvement.

We can, however, proudly say that we are the only ones who report correct ideas and news on Korean people. Even some foreigners as well as our fellow travelers state that "The Independence News" is the best among four other Korean newspapers. The news of NORTH KOREA has been reported only by "The Independence." We published your messages as soon as they were announced and we received the information. We printed the news and important announcements which were issued during the South-North Convention held last August and September. We have decided to continue publication of this newspaper until the 38th parallel is abolished.

Pertaining to Liaison

I. It is absolutely imperative that liaison with our country be maintained through exchange of propaganda materials, news, information, newspapers, and periodicals. It seems, however, impossible under the present circumstances to maintain the flow of communications to our country through the North Korean missions in

east European countries (ie CZECHOSLOVAKIA, POLAND etc). We were able to communicate several times while HAN Hung Su (韓興洙) was in CZECHOSLOVAKIA, but we have not had any word from there for approximately one year. We have not heard from comrade CHONG Wellington who went over there a month ago. We have, however, received an uncensored letter in the UNITED STATES from comrade LEE Tuk Hwan (李德煥) in P'YONGYANG (平壤) through the USSR. If a letter is of a most urgent nature, it can be sent through our missions located in east European countries and the USSR during their trips to this country. It is requested that you inform us of appropriate channels. The addresses to be used for the purpose of communication to US follow:

- (1) Messrs H SUNOO (劉子學 男) and S LEE (李思民)
3668 Interlake Avenue
SEATTLE, WASHINGTON, USA
- (2) Messrs K KIM (金 剛) and C PIEN (下山 全男)
1441 W Jefferson Blvd
LOS ANGELES, CALIFORNIA, USA.

II. Although almost all comrades here wish to repatriate, they were not permitted to repatriate even to SOUTH KOREA, in spite of the fact that they had made application for repatriation after the Liberation. Apparently the only way to repatriate is through east European countries. We believe that some helpful arrangements by the missions of the east European countries should be made for this purpose. It is also requested that you inform us what appropriate steps should be taken, and what preparations are necessary, and information which would be of reference value, during our stay here in the US.

III. Any requests for information pertaining to research or survey which will help in the country's reconstruction will be heartily welcomed by us. We shall do our best to comply. If you have something to state on the individual's problem of education, we can assure you that there are comrades who according to their technical qualification could engage in the field of industry, education, journalism, medicine and politics in the future. If possible it is requested that you send a reply to this letter through the same channels by which it will be sent or through the east European countries. We also want to know about the departure of Dr HAN Hung Su (韓興洙) from KOREA.

Hurrah! for the Korean Democratic People's Republic!

Hurrah! for Our true leaders, comrades KIM Il Song and
PAK Hon Yong!

15 Nov 48

/s/ LEE Sa Min
SONU Hak Won
Representatives of Party Comrades
in SEATTLE, USA

PS: 1) The armed revolutionary movements which successively occurred in SOUTH KOREA from the middle of October greatly stirred not only the US populace and government officials but also caused an international sensation.

2) We wish to send left wing publications and other necessary books and magazines to you if possible. Please advise us on this matter also.

3) A casting mold for use in a linotype machine for Korean characters is made at a printing machinery company here. It can be purchased for only four or five hundred won (TN Presumably dollars.) If you can buy a linotypewriter, we will send you the casting mold for Korean characters. By using this machine, it will be possible to speed up and increase publication of Korean books. It will help greatly in public enlightenment movements.

4) If there are any books which must be translated urgently, send them to us immediately so that our comrades can translate and ship them back. Please advise us on this matter also.

Mr. TAVENNER. I believe, Mr. Chairman, that is all until after lunch.

Mr. DOYLE. It is 12:40. The committee will stand in recess until 2 o'clock.

(Whereupon, at 12:40 p. m. the committee was recessed, to reconvene at 2 p. m. the same day.)

AFTERNOON SESSION, JUNE 28, 1955

(The hearing was resumed at 2:20 p. m., pursuant to recess.)

Mr. DOYLE. Let the committee come to order, please.

Let the record show all four members of the subcommittee are here, Messrs. Scherer, of Ohio, on my extreme left; Mr. Jackson, of Los Angeles County, on my left; Mr. Morgan Moulder, of Missouri, on my right; and I am Mr. Doyle of Los Angeles County, Calif., as chairman.

We appreciate it if you will continue to be as quiet as you can.

I intend to be absolutely fair in asking that there be no evidence of either applause or objection, either for or against a witness. You heard me this morning urge that there be no display, so please do not display anything favorable or unfavorable to any witness. We expect that, and I know you will cooperate.

Mr. TAVENNER, are you ready with the first witness?

Mr. TAVENNER. I would like to recall Mr. Kim Kang. He had not been excused, Mr. Chairman, and this is just a continuation of his testimony.

Mr. DOYLE. That is right, and it is not necessary to have Mr. Kang sworn again.

TESTIMONY OF DIAMOND KIM, ACCOMPANIED BY HIS COUNSEL, WILLIAM SAMUELS—Resumed

Mr. SAMUELS. Mr. Chairman, at the recess we were examining the letter that had been referred to. I wonder if I could just see that for another moment.

Mr. DOYLE. You may hand it to him, Mr. Reporter.

(Document handed to Mr. Samuels.)

Mr. SAMUELS. I would like to call the chairman's attention to the exhibit, Mr. Chairman, if I may.

Mr. DOYLE. Under our rules, call it to the attention of the counsel, because we do not have the facilities to allow the argument of counsel to the committee.

Mr. SAMUELS. I do not desire to make any argument. Mr. Tavenner, I merely would want to direct your attention to the fact that this exhibit appears to be a photostatic copy of a copy of a letter, without any identifying signature on it.

I notice what purports to be typewritten names appended to the end of the letter. There is nothing to indicate that this is the photostatic copy of any original document.

I thought I would like to call that to your attention.

Mr. TAVENNER. I may add, the witness, Mr. Sunoo, examined the document and stated that it was a correct translation, as nearly as he could tell, of the original. He testified in regard to that at Seattle.

Mr. DOYLE. Thank you very much.

Are you ready to proceed?

Mr. TAVENNER. Yes, sir.

Mr. Kim, it is the information of the committee that in the October 29, 1952, issue of the Korean Independence paper, there was published an alleged confession by one or more of the American prisoners of war in Korea regarding the use of germ warfare.

Were such articles or such alleged confessions published in your paper?

Mr. KIM. This is also newspaper reporting matter, and this is outside of boundary of this committee.

Mr. SCHERER. You say it is outside the boundary of this committee to inquire?

Mr. KIM. Just a minute. I make my statement first.

Mr. SCHERER. Just a minute.

Mr. KIM. Let me answer.

Mr. SCHERER. I want to interrupt you at this point.

You say it is out of the bounds of this committee to determine whether or not you published in your newspaper alleged confessions of American servicemen on the question of germ warfare? That is out of the bounds of this committee? Did I understand that statement correctly?

(The witness conferred with his counsel.)

Mr. KIM. I want to make a statement again and answer his question. This is published matter. I am sure if there was any, it would be reporting or news from some sources, so I don't want to answer relating these newspaper reporting matters, so I refuse to answer this question on the grounds of the first and fifth amendments.

Mr. DOYLE. Do I understand, Mr. Tavenner, that your question was whether or not it was published?

Mr. TAVENNER. Yes, sir.

Mr. DOYLE. I think that is pertinent.

Mr. Kang, I direct you to answer the question. The question is whether or not it was published in your Korean Independence paper. I direct you to answer.

(The witness conferred with his counsel.)

Mr. KIM. As I stated before, newspaper reporting connected with freedom of press, I am sure it was not created by this paper. I refuse

to answer this question on the grounds of the first and fifth amendments.

By the way, I want to mention, I want to correct "Kang." My name is not "Kang"; "Kim Kang," please.

Mr. DOYLE. The two words?

Mr. KIM. Yes, Kim Kang.

Mr. DOYLE. I think I called you Mr. Kang.

Mr. KIM. You could call me Diamond Kim. I think it would be easier for you.

Mr. SCHERER. I may not have correctly understood the answer of this witness, but he said that the matter about which we inquired, namely, these alleged confessions, were published material in a newspaper, inferring that we could find it out for ourselves if we wanted.

On the basis of that statement, how can he properly invoke the fifth amendment? May I ask a question?

The fact is that your newspaper did publish such confessions, did it not? Is that not a fact?

Mr. KIM. Mr. Scherer, I refuse to answer this question on the grounds I previously stated.

Mr. SCHERER. Where did you obtain those alleged confessions, from what source?

Mr. KIM. Mr. Scherer, if you have this published document, the document will carry where the source was. I think you could find it out.

Mr. SCHERER. You obviously know all about it, because you now say that the document itself carries the source. So will you tell us now? You certainly waived your right. You tell us where you got those alleged confessions.

(The witness conferred with his counsel.)

Mr. KIM. Mr. Scherer, I did not waive any privilege at all, so I refuse again to answer this question on the grounds previously stated.

Mr. SCHERER. I have no further questions.

Mr. JACKSON. Mr. Chairman, may I make an observation at this point relative to freedom of the press generally. It is a matter of which I have more than a passing knowledge, inasmuch as I myself have been an active newspaperman.

There is abundant documentation to prove that the Korean Independence, like the Daily People's World and the Communist Daily Worker, is not a newspaper in the sense that we generally accept the free American newspaper. It is a house organ of the international Communist conspiracy.

The policies and directives which have appeared in the issues I have seen are the policies and directives that are handed down from a foreign power. It is not necessary for the publisher of any free American newspaper to have any dealings with any group which finds it necessary to use the diplomatic pouch as a method of transmitting instructions and receiving instructions.

I would say that the Korean Independence is as little free from the influence of international communism as anything I have ever observed in the way of journalistic endeavor. Freedom of the press is something that this committee has consistently supported. Since I have been on the committee, something over 6 years, I have never heard a question directed to the reporter or an editor or a publisher which might in any way be interpreted by anyone as constituting any

infringement of the freedom of the American press, and so long as I am a member of this committee I will make every effort to see that that situation obtains. We prize it, I am sure, as highly and with more honest conviction than does the staff of the Korean Independence.

I have nothing further.

Mr. DOYLE. Thank you, Mr. Jackson. Of course, you know all your colleagues on this committee and all Members of Congress agree with you.

Are you ready, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

Mr. KIM. Mr. Chairman, may I answer to Mr. Jackson's statement?

Mr. DOYLE. Is a question pending? I will give you just a very brief opportunity to say something briefly.

Mr. KIM. I say newspaper report put out to the American public, whether accepted or not accepted, belongs to the people's freedom, not the Congress will decide what to read, what to accept or what to not accept. So in America, as long as the press is free and the people should be free to accept whatever is printed or reject. That is people's freedom.

Now again the pouch business, as far as I know we don't have any such thing as a pouch medium. Do you have any such instance? This letter carried by Mr. Tavenner mentioned carried by certain person.

Mr. JACKSON. Through underground channels into enemy territory.

Mr. KIM. You mentioned diplomatic pouch.

Mr. JACKSON. The letter specifically states that if there is any difficulty in communicating, the missions in Eastern Europe may be used for transmission of information. That is generally known as espionage.

Mr. DOYLE. Let us proceed now.

Mr. TAVENNER. Mr. Kim, a witness here yesterday, Mrs. Anita Schneider, told us about her attendance at various peace meetings here in Los Angeles, and one she described as being held in 1954 at which you were present.

Do you recall being present at what I believe they called shop meetings of the American Peace Crusade or the southern California unit of that organization?

(The witness conferred with his counsel.)

Mr. KIM. Since it is a statement mentioned by your informer or United States informer, I refuse to answer this question.

Mr. DOYLE. On what grounds? That is not legal grounds. You know that.

Mr. KIM. I refuse to answer this question on the grounds of the first and fifth amendments.

Mr. MOULDER. What kind of informer did you say she was?

Mr. KIM. Mr. Tavenner mentioned that person yesterday, she testified here.

Mr. MOULDER. You made some reference by use of some letters. You say a United States informer?

(The witness conferred with his counsel.)

Mr. KIM. Excuse me. FBI informer.

Mr. DOYLE. You saw the lady on the witness stand, in the chair in which you are now sitting, yesterday, I am sure. Is that not true?

Mr. KIM. Yes, I saw her.

Mr. DOYLE. You heard her testify.

Mr. KIM. Yes.

Mr. DOYLE. I know, because I saw you seated just back of her all day yesterday.

Mr. KIM. Yes.

Mr. DOYLE. You heard all the testimony.

Mr. KIM. Yes, I heard.

(The witness conferred with his counsel.)

Mr. SCHERER. You are referring, when you mention informer, to Mrs. Schneider, the woman who was employed by the Federal Bureau of Investigation as an undercover agent in the Communist Party? Is that who you are referring to?

Mr. KIM. Yes, I think it is the same person.

Mr. SCHERER. Is there anything Mrs. Schneider said insofar as you are concerned, or insofar as facts within your knowledge are concerned, which is untrue?

(The witness conferred with his counsel.)

Mr. KIM. Mr. Scherer, I refuse to answer this question on the grounds previously stated.

Mr. SCHERER. You have, inferentially at least, attacked this woman, calling her an informer and saying you will not answer because it is based on her testimony, the question asked was based on her testimony.

You have an opportunity to tell these people here whether that woman told the truth or not.

(The witness conferred with his counsel.)

Mr. KIM. Mr. Scherer, the statement made by Mrs. Schneider is for her own duty, I suppose.

Mr. SCHERER. I did not understand you. Is what?

Mr. KIM. She made that statement on her service, paid service.

Mr. SCHERER. That is right.

Mr. KIM. As far as I am concerned, I don't want to contest or debate on her statement. I refuse to answer this question on the grounds I stated.

Mr. SCHERER. You attacked the woman, called her a paid informer, although she was an agent of this Government; and yet you are refusing to say here whether or not she told the truth or in what respect she lied.

Mr. KIM. Mr. Scherer, I am very well acquainted with this kind of process. I came from Korea under Japanese imperialism. I happen to have lots and lots of this kind of framing-ups and informing innocent people, so at the moment she came in here and she tried to report all such things, in my heart I hate that kind of person.

Mr. SCHERER. You think that woman, who I think is a very fine American citizen and who contributed a valuable service to this country—you say you hate her?

Mr. KIM. Mr. Scherer, those who defend our American Bill of Rights, and Constitution, you think they are unloyal citizens in this country.

Mr. SCHERER. You hate all FBI agents?

Mr. KIM. FBI, in my knowledge FBI could do his work or their work, not informer like that way.

Mr. JACKSON. I think, Mr. Scherer, that the testimony of these two witnesses, Mrs. Schneider and the present witness, will stand comparison when they are in transcript form, and there will be no misunderstanding of the position of the two witnesses.

Mr. DOYLE. Proceed, Mr. Tavenner.

Mr. TAVENNER. Did you at the meeting to which I referred or any other meeting of the workshop of the Southern California Peace Crusade offer the services of your paper to the dissemination of the propaganda that that organization was putting out?

Mr. KIM. Circulation of a paper is connected with a free press and I don't want to discuss this problem. I don't want to answer your question concerning the matter.

Mr. TAVENNER. I suggest, Mr. Chairman, the witness be directed to answer.

Mr. DOYLE. I direct you to answer the question, Mr. Diamond Kim. (The witness conferred with his counsel.)

Mr. KIM. I refuse to answer this question on the ground I have previously stated.

Mr. TAVENNER. Mr. Peter Hyun, it has been shown, was the executive secretary of the Southern California Peace Crusade for a period of years.

Did he at any time invite you to one of the meetings of that organization?

Mr. KIM. That means, sir, association with his activities.

Mr. TAVENNER. Let me change the question, so that it will not be confused with the point that is in your mind.

Did you attend the meetings of the workshop of the Southern California Peace Crusade in Los Angeles from time to time?

Mr. KIM. Peace I think is very important in American life and I want to give—President Roosevelt wants to have peace and I don't see why you ask about this problem, peace connection questions. I refuse to answer any question on this on the ground of constitutional rights.

Mr. TAVENNER. Were you consulted by Peter Hyun regarding the agenda or any business to be conducted at such meetings?

Mr. KIM. Mr. Tavenner, in my activity I don't have to consult anybody and I don't know anything about it and I refuse to answer this question.

Mr. TAVENNER. If you say you don't know anything about it, does that mean that you did not confer with Mr. Peter Hyun regarding the work of the Southern California Peace Crusade?

(The witness conferred with his counsel.)

Mr. KIM. I refuse to answer that question on the ground I previously stated.

Mr. DOYLE. I think, in view of the witness' answer to the question before the last, wherein he referred to the President of the United States as having spoken out in favor of peace, of course the Southern California Peace movement which Mr. Tavenner refers to is known as a phony peace effort, not a bona fide peace effort, it is one of those phony things with which you and I are familiar.

Mr. KIM. Mr. Doyle, money which we use may have some counterfeit but in connection with peace, no matter who says peace, peace is a good object for anybody, any people.

Mr. DOYLE. Yes, but some people take advantage of it to spread the Communist doctrine and philosophy and conspiracy and we believe that this particular movement has been and is being used to a certain extent for such purpose and we believe you know something about that Communist infiltration and control in that particular movement.

That is why you are being asked these questions. I think you know that is why you are being asked these questions.

I wanted to explain that so you would understand.

As though you didn't already.

Mr. KIM. As I read many kinds of papers, all kinds of magazines, I don't have the same kind of feeling as you have toward communism.

Mr. SCHERER. Let's get the next question—

Mr. KIM. Who has the right, Mr. Doyle? I want to finish my statement.

Mr. JACKSON. I agree with Mr. Scherer.

Mr. SCHERER. General order. If this witness would answer any of our questions we would give him a chance to talk, but he doesn't answer any questions.

Mr. TAVENNER. I have just one more question I want to ask the witness:

After having introduced the exhibit in evidence which is the photostatic copy of the letter which was sent to the Prime Minister of North Korea and in which your name was mentioned so frequently, as well as that of the paper you were publishing, will you tell the committee if you were a mail drop for the Soviet Union during the period indicated by that letter, by the exhibit?

(The witness conferred with his counsel.)

Mr. SAMUELS. Will you repeat the question, please?

Mr. TAVENNER. Will you read the question.

(The reporter read from his notes as requested.)

Mr. TAVENNER. I want to correct the question to read North Korea instead of the Soviet Union.

Mr. JACKSON. What is the distinction?

Mr. TAVENNER. There might be a technical distinction. Similarity caused me to make the mistake.

(The witness conferred with his counsel.)

Mr. KIM. I mentioned that I live in this country, lived in this city since 1928, I didn't go anywhere.

Mr. TAVENNER. Do you understand what a mail drop is?

Mr. SCHERER. Sure he does.

Mr. KIM. I don't know.

(The witness conferred with his counsel.)

Mr. KIM. What do you mean?

Mr. TAVENNER. It occurred to me that you did not. A mail drop is a person occupying a position by which secret information and material is mailed to him to be transmitted by this individual known as a mail drop to the source for which it is really intended.

(The witness conferred with his counsel.)

Mr. KIM. I refuse this question on the ground which I stated before.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Mr. Moulder?

Mr. MOULDER. Just one question.

Have you ever received any money or compensation in payment of services performed for the interest of some foreign country other than the United States?

(The witness conferred with his counsel.)

Mr. MOULDER. I want to reframe that question. It was not properly stated. I simply ask have you ever received any money or payment of compensation for services performed for any foreign country.

(The witness conferred with his counsel.)

Mr. KIM. I did not violate any United States law in connection with this. I refuse to answer this question.

Mr. MOULDER. Have you received payment of money or compensation for the performance of services for the Soviet Union?

(The witness conferred with his counsel.)

Mr. KIM. What do you mean by for Soviet Union? Would you clarify that first?

Mr. MOULDER. Have you ever received any money as a contribution from the Soviet Union?

Mr. KIM. You say services, now contributions. Services or contributions or what?

Mr. MOULDER. Either one.

Mr. KIM. Mr. Moulder, I refuse this question, refuse to answer this question on the ground previously stated.

Mr. MOULDER. I have no further questions. I was impressed and amazed by your reference to a witness as a United States witness which indirectly seems to indicate that you consider that person foreign to the country which you feel obligated and loyal to. In other words, it indicates that you don't consider the United States as your country, that you are accustomed to referring to this country as any foreigner would over in the Soviet Union.

That is all, Mr. Chairman.

Mr. DOYLE. Mr. Jackson, any questions?

Mr. JACKSON. No.

Mr. DOYLE. Mr. Scherer?

Mr. SCHERER. I have no questions, but I certainly intend to find out why the Department of Justice hasn't deported this man. There is every reason why he should have been deported.

Mr. DOYLE. It certainly has been pending a long term of years. If there is any reason why deportation should be concluded, it shouldn't take another 10 years.

Thank you, Witness, and Counsel. You are excused.

Mr. TAVENNER. Mrs. Sue Lawson. Will you come forward, please.

Mr. DOYLE. Will you please raise your right hand; do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. LAWSON. Yes.

Mr. DOYLE. Be seated, please.

TESTIMONY OF MRS. SUE LAWSON, ACCOMPANIED BY COUNSEL, WILLIAM B. ESTERMAN

Mr. TAVENNER. Will you state your name, please?

Mrs. LAWSON. Sue Lawson. Mrs. Sue Lawson.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Will counsel please identify himself for the record.

Mr. ESTERMAN. William B. Esterman, class of 1952. I have just been reminded by one of the distinguished members of the distinguished committee.

Mr. TAVENNER. Class of 1952. Are you referring to the witnesses who were subpoenaed in 1952?

Mr. ESTERMAN. I think my remark explains itself. And the meaning is well within your knowledge. I don't mean to take over because she is the witness, not I.

Mr. TAVENNER. Are you a native of the State of California, Mrs. Lawson?

Mrs. LAWSON. I was born in Texas, I have lived in California since about 1930.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mrs. LAWSON. Two years in college and a business course.

Mr. TAVENNER. Where did you attend college?

Mrs. LAWSON. Waco, Tex., and in New York City, Columbia and Baylor Business College.

Mr. TAVENNER. Have you lived in California continuously since 1930?

Mrs. LAWSON. No. I think continuously since about 1938. We moved back and forth between here and New York before that.

Mr. TAVENNER. You and your husband have lived in California continuously since 1938?

Mrs. LAWSON. Yes.

(The witness conferred with her counsel.)

Mr. TAVENNER. What is your occupation, Mrs. Lawson?

Mrs. LAWSON. I am not employed.

Mr. TAVENNER. What occupations have you followed in Los Angeles since 1930?

(The witness conferred with her counsel.)

Mrs. LAWSON. You mean gainful employment or volunteer?

Mr. TAVENNER. I withdraw the question in the interest of time.

Mrs. Lawson, the committee has procured through a subpoena duces tecum a copy of a card from the bank in which the Southern California Peace Crusade carried its account. I will ask you to examine it and state whether or not you signed the card as secretary of the Southern California Peace Crusade.

(The witness conferred with her counsel.)

Mrs. LAWSON. Is this an organization that is listed as subversive, this Southern California—

Mr. TAVENNER. There has been evidence introduced during this hearing indicating that it is a branch or an affiliate of the American Peace Crusade, which has been cited as a Communist-front organization.

Mrs. LAWSON. Thank you.

(The witness conferred with her counsel.)

Mrs. LAWSON. I decline to answer the question on the ground that I cannot be forced to testify against myself under the Constitution, the first and fifth amendments.

Mr. ESTERMAN. May I respectfully suggest in the interest of saving time when the witness declines again that she be permitted to simply

answer by saying "same reply," with be understanding that she is incorporating that ground without repeating.

Mr. DOYLE. It will be so understood and so accepted.

I will say, Mr. Esterman, further, if at any time during the examination you feel it advisable in the interest of your client that there be a short recess as far as she is concerned, you may have it.

Mr. ESTERMAN. We want to consult in private. I might need it but I don't think she will.

Mr. DOYLE. All right, if you need it.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Lawson Exhibit No. 1," for identification only.

Mr. DOYLE. It will be so received and so marked.

Mr. TAVENNER. Mr. Chairman, I will read so much as is important about this card. It shows that it represents a commercial account in the bank, the name of which I do not have available at the moment, an account in the name of the Southern California Peace Crusade of which Sue Lawson is one of those entitled to draw upon the account and the meeting place of the organization is 326 West Third, Los Angeles 65.

There is stamped on the card that two signatures are required. On the back of the card it is stated:

To California bank: We the undersigned, president and secretary respectively of Southern California Peace Crusade hereby certify that at a regular meeting held the following named persons were elected or appointed the president and secretary of said organization, and that by virtue of the authority vested in them by the constitution, bylaws and otherwise, they or any two of them are authorized and empowered to sign and endorse—

checks and so forth.

It bears the date of May 3, 1955.

When did you first become secretary of the Southern California Peace Crusade, Mrs. Lawson?

(The witness conferred with her counsel.)

Mrs. LAWSON. Same reply.

Mr. TAVENNER. Was Peter Hyun an official of this organization at any time that you were a member of it?

Mrs. LAWSON. Same reply.

Mr. TAVENNER. Was Peter Hyun a person known to you to be an active member of the Communist Party in the Los Angeles area at the time he was officially connected with the Southern California Peace Crusade?

Mrs. LAWSON. Same reply.

Mr. TAVENNER. Will you tell the committee, please, what Communist Party instructions or directions were given for the operation of the Southern California Peace Crusade, if you know?

(The witness conferred with her counsel.)

Mrs. LAWSON. Same reply.

Mr. TAVENNER. Did you personally take part in any Communist Party decisions guiding the affairs of the Southern California Peace Crusade?

Mrs. LAWSON. Same reply.

Mr. TAVENNER. Have you been a member of the Communist Party at any time while holding the position of secretary of the Southern California Peace Crusade?

Mrs. LAWSON. Same reply.

Mr. TAVENNER. You have been identified as a member of the Communist Party by sworn testimony given to this committee as long ago as September 11, 1951, by Elizabeth Wilson; January 23, 1952, by Max Silver; August 3, 1951 by Meta Reis Rosenberg; September 20, 1951, by William Blowitz.

If you desire to deny that testimony or that identification or make any explanation of it, the committee will, I am sure, be glad to hear you.

Mrs. LAWSON. Same reply.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mrs. LAWSON. Same reply.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mrs. LAWSON. Same reply.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Mr. Moulder, Mr. Jackson, Mr. Scherer?

Thank you, Mrs. Lawson, and Mr. Esterman. It will be understood that wherever Mrs. Lawson answered "same reply" she in effect was pleading her constitutional privilege.

Mr. ESTERMAN. Thank you very much.

Mr. TAVENNER. Mr. Hugh Hardyman.

Mr. DOYLE. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. HARDYMAN. I do.

TESTIMONY OF GEORGE HUGH MURRAY MAITLAND HARDYMAN, ACCOMPANIED BY COUNSEL, A. L. WIRIN

Mr. TAVENNER. What is your name, please, sir?

Mr. HARDYMAN. My name is Hugh Hardyman.

Mr. TAVENNER. Will you spell your last name, please?

Mr. HARDYMAN. H-a-r-d-y-m-a-n. I have other first names, if you wish me to recite them.

Mr. TAVENNER. I think you should state your full name.

Mr. HARDYMAN. My full name is George Hugh Murray Maitland Hardyman.

Mr. WIRIN. My full name is A. L. Wirin, I am an attorney and I have been here before.

Mr. TAVENNER. You are accompanying the witness, I assume.

Mr. WIRIN. I am representing him at this time.

Mr. TAVENNER. When and where were you born, Mr. Hardyman?

Mr. HARDYMAN. In Bath, England.

Mr. TAVENNER. Spell the name, please.

Mr. HARDYMAN. B-a-t-h, England, E-n-g-l-a-n-d. August 11, 1902.

Mr. TAVENNER. When did you first come to this country?

Mr. HARDYMAN. In 1920, end of July or first day or so of August. I left the other side in July, I remember.

Mr. TAVENNER. Have you resided continuously in this country since 1920?

Mr. HARDYMAN. Yes.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. HARDYMAN. No college degrees at all. Do you want details of school?

Mr. TAVENNER. Have you attended college, and if so where?

Mr. HARDYMAN. Do you understand the designation between the English and American educational system?

Mr. TAVENNER. No, not fully.

Mr. HARDYMAN. Very good. One goes from a governess in England, first one learns to read with a nurse, then one goes to a governess and then one goes to a prep school which is, unlike an American prep school, a grammar school, but a grammar school in England is not a prep school. One then goes on to public school which is a private school, and which though not by American parlance a college, my school had the name of St. Lawrence College and while at that school I matriculated at Cambridge University but not with the idea of going to Cambridge, with the idea of going on to either Edinburgh or Oxford.

However, I did not do so. I merely took a year's work toward an A. B. degree and then came to the United States.

Mr. TAVENNER. Did you pursue formal educational training further in the United States?

Mr. HARDYMAN. No, no formal work at all. An occasional course here or there in something I happened to be interested in, but no formal registration in a university.

Mr. TAVENNER. Where do you now reside?

Mr. HARDYMAN. Topanga, Calif.

Mr. TAVENNER. How long have you lived in California?

Mr. HARDYMAN. I was out here briefly about 30 years ago and then back again a couple of times briefly and since 1938 I have been out here as a resident.

Mr. TAVENNER. What is your occupation, sir?

Mr. HARDYMAN. I spend most of my time reading.

Mr. TAVENNER. How long have you spent most of your time reading?

Mr. HARDYMAN. Oh, the last 10 years, since 1944. I retired in 1944.

Mr. SCHERER. What was the nature of your business?

Mr. HARDYMAN. Fruit growing. Dates.

Mr. TAVENNER. Mr. Hardyman, I hand you a photostatic copy of a passport application which is stamped "received in San Francisco, September 11, 1952." Will you examine it, please and state whether or not it is your application for passport?

Mr. HARDYMAN. In view of the—I will take a look at it and see what it is.

(The witness conferred with his counsel.)

Mr. WIRIN. The witness has examined the document, Mr. Tavenner, and so have I.

Mr. HARDYMAN. In view of the, to my mind, rather un-American doctrine of guilt by association, which is quite popular today in certain official circles, and also in view of the rather vague doctrine of waiver, which has apparently as many interpretations as there are persons trying to interpret it, also in view of the fact that I am a private citizen and that I have my view of the inherent right to travel of every American upheld recently in the Second Circuit Court of Appeals in the Chapman case, and in view of the fact that the mandate of this committee as expressed in the rules which I have is an exceedingly vague

mandate, I am inclined to feel that the 9th and the 10th amendments restricting the power of the committee makes it improper for the committee to inquire into the activities of a private citizen.

I feel too that the fourth amendment prevents the searching of my mind without due warrant by this committee, also that the first amendment prevents my freedom of association and my freedom of speech, press, and so on.

The fifth amendment makes it unnecessary for me to answer for fear of self-incrimination through possible association or any other way.

Accordingly, with these amendments in view, in fact on the basis of the Bill of Rights and the Quinn decision make it desirable to tie more than one of these provisions together in one objection. On the basis of these amendments to the Constitution I decline to answer that question.

Mr. TAVENNER. Mr. Hardyman, your statement was not clear as to whether or not you are in fact relying upon the fifth amendment. I wish you would clarify it.

Mr. HARDYMAN. I am relying, sir, upon the 1st, the 4th, the 9th, the 10th, and the 5th amendments to the Constitution in declining to answer this question.

Mr. TAVENNER. Will you examine the photograph appearing on page 2 of the application for passport and state whether or not it is a photograph of you?

Mr. HARDYMAN. In view of the strange interpretations which I have heard given to the doctrine of waiver, I am on the grounds already stated declining to answer any question in that area.

Mr. TAVENNER. May I suggest the witness be directed to answer.

Mr. DOYLE. I direct you to answer that question, Mr. Hardyman.

Mr. HARDYMAN. I am sorry, Mr. Chairman, but in view of the first—

Mr. DOYLE. You don't need to be sorry. Just please give your constitutional grounds.

Mr. HARDYMAN. On the basis of the 1st, 4th, 9th, 10th, and 5th amendments to the Constitution, I am declining to answer that question. I would, sir, prefer to oblige the chairman.

Mr. JACKSON. That is novel.

Mr. WIRIN. You notice he didn't mention other members of the committee.

Mr. TAVENNER. Mr. Hardyman, will you examine on page 2 of the application the name appearing there, George Hugh Murray Maitland Hardyman, and state whether or not it is a facsimile of your signature?

Mr. HARDYMAN. In view, sir, of the objections already stated, I am declining to answer any questions in that area.

Mr. DOYLE. On what grounds?

Mr. HARDYMAN. On the ground of the 1st, 4th, 9th, 10th, and 5th amendments to the Constitution of the United States.

Mr. WIRIN. Do you want him to repeat these grounds, Mr. Chairman, at every point?

Mr. DOYLE. No; we can agree when he states he declines, to answer the question we will understand that he pleads the same five amendments. That will save time.

Mr. HARDYMAN. Thank you, sir.

Mr. DOYLE. I direct you to answer the last question. Did you hear the last question?

Mr. HARDYMAN. Was that while you were talking, Mr. Tavenner said something, I didn't hear it.

Mr. DOYLE. Read the last question, Mr. Reporter, to the witness.

Mr. TAVENNER. My point was to direct the witness, if you choose, to answer the question. He refused but I think if the committee desires to stand upon the matter it should direct him to answer.

Mr. DOYLE. I renew my direction that you answer Mr. Tavenner's last question.

Mr. HARDYMAN. My answer, sir, is the same words as before standing on the five amendments.

Mr. TAVENNER. I desire to offer the photostatic copy of the passport in evidence, which was obtained by subpoena duces tecum from the State Department, and request that it be marked "Hardyman Exhibit No. 1" for identification only.

Mr. DOYLE. It will be so received and so marked.

Mr. WIRIN. Do you want the document back?

Mr. TAVENNER. You may keep it there. You may desire to consult it.

Mr. SCHERER. Let me look at it.

Mr. TAVENNER. Mr. Hardyman, the date on which the applicant swore to its contents before Edmund L. Smith, clerk, United States District Court, Southern District of California, was September 9, 1952. Will you state whether or not shortly after September 9, 1952, you engaged in travel abroad?

Mr. HARDYMAN. In view of the reasons already stated, I am declining to answer any questions in that area, Mr. Counsel, including this one.

Mr. SCHERER. I ask that you direct the witness to answer the question whether or not he traveled abroad.

Mr. DOYLE. I direct you to answer the question.

Mr. HARDYMAN. On the basis of the five amendments already cited, I am declining to answer that question.

Mr. TAVENNER. In September 1952 were you affiliated with the Southern California Peace Crusade?

Mr. HARDYMAN. One minute, I want to check on the meaning of a word.

(The witness conferred with his counsel)

Mr. HARDYMAN. I have been unable to ascertain just what the word "affiliation" implies. I know there was a difference of opinion recently on it in a local—no; in another case.

Mr. SCHERER. We are just ordinary people.

Mr. HARDYMAN. I note, however—you are not so ordinary people—I will say I was a member, a contributor to, there was no official membership that I know of but a contributor to the Southern California Peace Crusade in a small way; and have been for some time.

Mr. WIRIN. Is that sufficient, Mr. Scherer?

Mr. SCHERER. Yes.

Mr. TAVENNER. I hand you a photostatic copy of page 4 of the January 7, 1953, issue of the Daily People's World, and I will call your attention to an article at the top of the page entitled "Peking Peace Met. Delegate Tells of Results in a New China."

In the course of this article it is stated what Hugh Hardyman had to say at this meeting and then there appears this paragraph:

Hardyman's trip was sponsored by the Southern California Peace Crusade.

Will you examine the document, please and state whether or not the recitation of your sponsorship for a trip to China made by the Southern California Peace Crusade organization was correct?

(The witness conferred with his counsel.)

Mr. HARDYMAN. With regard to China, I have refused to answer questions in that area on the ground of the five amendments already stated and, since this particular question is also in that area, I decline to answer this particular question on the same grounds.

Mr. DOYLE. I instruct you to answer, Mr. Hardyman. You volunteered in answer to a question that you had contributed to this organization.

Mr. HARDYMAN. That is right.

Mr. DOYLE. You identified yourself very willingly with it.

Mr. HARDYMAN. That is right.

Mr. DOYLE. As a contributor in a small way.

Mr. HARDYMAN. That is right.

Mr. DOYLE. I instruct you to answer the question.

Mr. HARDYMAN. I am excluding that area and questions in that area for the five reasons that I have already stated, the area of my journey or a journey referred to, and I decline to answer in that area.

I am answering questions about my age and so far as I was able to aid in the Peace Work of the Peace Crusade in that area.

Mr. DOYLE. Of course you volunteered you were contributor and we hoped you would continue to volunteer to help us know how the Peace Crusade operated both in this country and in China.

Mr. HARDYMAN. Would you like to know how I operated as far as the Peace Crusade is concerned?

Mr. TAVENNER. Just answer first the questions I ask and we can make better time.

Did the Southern California Peace Crusade sponsor your trip to China?

Mr. HARDYMAN. Concerning my trip to China, sir, for the five reasons already cited, I repeat that I am declining to answer that question.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Hardyman Exhibit No. 2", for identification only.

Mr. DOYLE. It will be so received and so marked.

Mr. TAVENNER. Returning for the moment to Exhibit 1——

Mr. WIRIN. May I have a moment, Mr. Tavenner.

Mr. TAVENNER. Yes, sir.

(The witness conferred with his counsel.)

Mr. WIRIN. I have concluded my conference. I am glad it hasn't been timed.

Mr. TAVENNER. I read from page 2 of Exhibit No. 1, which is an application for passport to be issued to you the following countries to be visited: Australia, Canton Island, and so forth."

Did you go to Australia?

Mr. HARDYMAN. In view of the five amendments to the Constitution already cited, I am declining to answer questions in this area for the reasons already stated.

Mr. SCHERER. Witness, the fact is you didn't go to Australia, isn't that right?

Mr. HARDYMAN. In view of the five amendments to the Constitution already cited, I am declining to answer questions in this area.

Mr. TAVENNER. It is stated on page 2 of Exhibit 1, your application for passport, that the purpose of the trip is pleasure and visit to a brother.

Do you have a brother in China, living in China?

Mr. HARDYMAN. In view of the five amendments to the Constitution previously cited, sir, I am declining to answer questions in this area.

Mr. TAVENNER. As a matter of fact, Mr. Hardyman, the purpose of your making an application had nothing to do with the pleasure trip to see your brother, did it?

Mr. HARDYMAN. In view of my previously made statements about this area, sir, I am not going to deny the statement you just made, but refrain from answering any questions in this field relying upon the five amendments already cited.

Mr. DOYLE. Do you have a brother?

Mr. HARDYMAN. More than one.

Mr. DOYLE. Where do they live?

(The witness conferred with his counsel.)

Mr. HARDYMAN. I have no brothers living in the United States and for reasons already cited I am declining to answer questions with regard to a journey outside the United States.

Mr. JACKSON. Mr. Chairman, the witness volunteered the fact that he has more than one brother and thereby has in my opinion at least to the extent that the question relates to his brother, waived his immunity on that point. I request the witness be instructed to answer the question.

Mr. SCHERER. Further, he said he had no brother living in the United States, which also gives weight to the opinion of Mr. Jackson.

Mr. DOYLE. Several times prior thereto he showed his familiarity with the doctrine of waiver. I instruct you to answer the question, Mr. Hardyman.

Mr. HARDYMAN. I do not think, sir, that I have waived my right to decline to answer in the field of the question.

Mr. JACKSON. Mr. Chairman, I want to go on record as not accepting a claim of the fifth amendment as being at all related to his refusal to answer this question and I ask that additional direction be given the witness to answer the question.

Mr. DOYLE. You heard Mr. Jackson's observation on behalf of the committee that we don't accept your claim of the fifth amendment as sufficient answer.

Mr. HARDYMAN. Yes, sir; and—

Mr. DOYLE. Since you have heard it clearly and understand it, I now direct you to answer the question as to where your brothers live.

Mr. HARDYMAN. Since my counsel feels that I have not waived the right to refuse to reply to these questions, I am still on the grounds above cited refusing to reply.

Mr. DOYLE. Witness, you swore to the application for passport and when you swore to that application did you tell the truth?

Mr. HARDYMAN. In view of the reasons already given and the five amendments already cited, I am not replying to your question, sir.

Mr. DOYLE. Isn't it a fact that when you swore to that application you lied as to the facts set forth in that application?

Mr. HARDYMAN. In view of the five amendments already cited, I am not replying to that question, sir, whether it is courteously or discourteously phrased.

Mr. TAVENNER. The witness has not refused to answer, he just says he declines to reply.

Mr. DOYLE. You haven't yet——

Mr. WIRIN. I will stipulate that when he says declines, he also means he refuses.

Mr. TAVENNER. We should not take it——

Mr. WIRIN. I am trying to save time. You take all the time you want.

Mr. JACKSON. We intend to.

Mr. DOYLE. We cannot accept your declination. Will you please state in some way that you refuse to answer? We want a positive refusal.

Mr. HARDYMAN. If you prefer the phrase "refuse to answer" from "decline to reply" I will substitute it in the future.

Mr. DOYLE. If you will, please, that is understood by us as a clear refusal where declining may not be.

Mr. WIRIN. Decline is more gentlemanly.

Mr. DOYLE. So will you please——

Mr. HARDYMAN. Refuse to answer.

Mr. DOYLE. Do what you want about the last question, but if you intend to refuse to answer the question on the grounds of the five amendments to the Constitution, please say so.

Mr. HARDYMAN. Very well.

I am refusing to answer this and preceding questions in which I inadvisedly used the phrase "decline to reply," meaning "refuse to answer" on the basis of the five cited amendments to the Constitution of the United States.

Mr. JACKSON. Do you know Anna Louise Strong?

(The witness conferred with his counsel.)

Mr. HARDYMAN. In view of the custom of certain persons employing a tactic and implying guilt by association nowadays, a tactic which I do not like, I am refraining from answering questions about other people and this is a question about another person and I am not going to answer it and I am citing the 1st, 4th, 5th, 9th, and 10th amendments to the Constitution as my legal reasons for declining to answer, for refusing to answer.

Mr. JACKSON. May I ask if an honest answer to that question were given by you would you be guilty by association with the party I have named, or are you implying that she would be guilty by association with you? I am a little confused as to whose guilt is involved here.

(The witness conferred with his counsel.)

Mr. HARDYMAN. Was that a question, sir?

Mr. JACKSON. No, that was in the nature of an observation, Mr. Hardyman.

Mr. TAVENNER. Mr. Hardyman, isn't it a fact that on your application for passport you advised the State Department of the United States Government that you desired to visit Australia, Canton Island, and so forth, in order to deceive the State Department as to the real

destination that you had in mind, and the real purpose in making your trip?

Mr. HARDYMAN. In view of the nature or area in which the question lies, and of the five amendments already cited, I am refusing to answer this question.

Mr. TAVENNER. You knew prior to your preparation of this passport application, did you not, that an agenda had been prepared for a so-called peace conference at Peking, China, to be held in October of 1952; did you not?

Mr. HARDYMAN. In view of the reasons already cited and the five amendments to the Constitution already stated, I am refusing to answer your question.

Mr. TAVENNER. Your purpose was to attend that peace conference as a delegate from the United States, or a so-called delegate or group of people of which you were second in command; did you not?

Mr. HARDYMAN. Again I am refusing to answer this question on the same grounds.

Mr. TAVENNER. You knew that if you advised the State Department or if the State Department learned that you were attending this particular meeting that you would not be granted a passport, didn't you?

Mr. HARDYMAN. Again, sir, on the same grounds I am refusing to answer this question.

Mr. SCHERER. When were you naturalized?

Mr. HARDYMAN. 1927, September, I think 8th, pretty sure it was 8th. I am certain of the month and year, in New York City.

Mr. TAVENNER. How many other persons engaged in the same type of fraud on the State Department in obtaining a passport which would permit travel in China?

(The witness conferred with his counsel.)

Mr. SCHERER. Not only fraud, but it was obvious perjury because they had to swear to the application.

Mr. WIRIN. Mr. Chairman, could you keep order so that when I speak to my witness there is no colloquy so I can hear what is going on?

Mr. DOYLE. Proceed. We are not always looking in your direction and can't always tell when you are conferring with your client. You have that privilege before this committee.

Mr. WIRIN. I thought it was obvious and audible.

Mr. DOYLE. We were not looking at you at that time.

Mr. WIRIN. I have concluded my conference.

Mr. HARDYMAN. In view of the amendments already cited, I am refusing to answer this question.

Mr. TAVENNER. Instead of traveling west to Australia you in fact traveled to Paris, when you left the United States, didn't you?

Mr. HARDYMAN. In view of the amendments already cited, sir, I am refusing to answer this question.

Mr. TAVENNER. You didn't advise anyone in the State Department that you were traveling to Paris, did you?

Mr. HARDYMAN. I am refusing to answer this question for the reasons already cited.

Mr. TAVENNER. You obtained in Paris from the Czechoslovakian Embassy on September 19, 1952, a 3-month visa to enter Czechoslovakia, didn't you?

Mr. HARDYMAN. In view of the amendments already cited, I am refusing to answer this question.

Mr. TAVENNER. Did you travel in Czechoslovakia?

Mr. HARDYMAN. In view of the amendments already cited, I am refusing to answer this question.

Mr. TAVENNER. Did you engage in the so-called peace conference in Peking in October 1952?

Mr. HARDYMAN. I am refusing to answer this question on the grounds of the 1st, 5th, 4th, 9th, and 10th amendments already cited.

Mr. WIRIN. Could we have a stipulation, Mr. Chairman, that there need be no repetition of the various amendments? Would that be agreeable, Mr. Tavenner?

Mr. TAVENNER. Yes, it has always been acceptable practice.

Mr. DOYLE. It is so ordered, if that is agreeable.

Mr. WIRIN. By all members of the committee?

Mr. DOYLE. We all accept.

Mr. WIRIN. Very well.

Mr. DOYLE. The committee will stand in recess for 5 minutes.

(Brief recess.)

Mr. DOYLE. Before our distinguished counsel asks——

Mr. WIRIN. Are you referring to Mr. Tavenner?

Mr. DOYLE. Yes, Mr. Tavenner. I always refer to him as distinguished counsel because I am sure all we members——

Mr. TAVENNER. This isn't on the record, is it?

Mr. DOYLE. Yes. We members of the American Bar recognize him as distinguished counsel, don't we, Mr. Wirin?

Mr. WIRIN. Yes. You remember you called me that yesterday. I hope you don't withdraw that remark.

Mr. DOYLE. I don't withdraw it.

I want to thank those in the courtroom for your courteous quiteness all this afternoon. It is very helpful to us and I am sure we all appreciate it.

Proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Chairman, I referred several times to the so-called Peking Peace Conference and the witness' alleged knowledge of that conference.

I desire now to present to the witness a statement prepared by the Department of State and released on October 1, 1952. I ask the witness whether or not he was aware of the existence of that press release prior to the 10th day of October 1952.

(Document handed to witness; witness conferred with his counsel.)

Mr. HARDYMAN. It seems to me that in view of the area to which this document relates, being the same as the other area in questions immediately preceding this one, I am citing the amendments previously cited as the legal reason for my refusal to answer this question.

Mr. TAVENNER. You do then refuse to answer?

Mr. HARDYMAN. I am refusing to answer this question for the reasons previously cited, including the five amendments.

Mr. TAVENNER. I desire to introduce the document in evidence and ask that it be marked "Hardyman Exhibit No. 3."

Mr. DOYLE. It will be so received and so marked.

Mr. TAVENNER. Mr. Chairman, our State Department viewed the matter of this so-called peace conference with such alarm that it issued release No. 771 on October 1, 1952, which I shall read.

Mr. SCHERER. Before you read it let me ask about that date. Was that prior to the date of this witness' application for passport?

Mr. TAVENNER. No, sir; it was prior to the conference but after the date of his application. The heading is "Peking Peace Conference."

Asked for comment on the so-called Peking Peace Conference and reports that a number of Americans are allegedly attending as delegates, Secretary of State Dean Acheson at his news conference today made the following extemporaneous reply:

"This conference is, of course, an obvious propaganda operation in which the Chinese Communists while taking active part in defying the United Nations and carrying the war into Korea and while they are going with the Soviet Government in its violent "bate campaign," are continuing to hold "peace conferences." I think this deceives nobody. In regard to your other question about the Americans, we have heard reports that certain American citizens were attending. From the reports that we have gotten we think we have about 15 of these Americans identified.

"Now some of them were in China already. However, no persons have been issued passports to attend this conference or have asked for passports to attend the conference. All passports have been stamped since May 1, 'Not valid for travel to China.' We are now making efforts to find out whether any of the people that we have identified have obtained passports on false information furnished to the Department or whether they have violated the instruction which is on the passport. That is stamped on it as I have said, and there are appropriate statutes which cover both of these cases."

Mr. Hardyman, was there stamped on a passport delivered to you the language "Not valid for travel to China"?

Mr. HARDYMAN. I refuse to answer that question for the reasons already cited.

Mr. TAVENNER. Although this release was apparently after you started on your trip or at least prior to the actual holding of the conference, it expressed the concern and the viewpoint of the Department of State with relation to that conference. So now I want to ask you, I want to base a question on the Federal regulations covering the issuance of passports.

Title 22, chapter 1, part 51, subpart (b), section 51.135 to 51.143 of the Code of Regulations deals with limitations on the issuance of passports to persons supporting Communist movements. I will read the first and the last paragraph of the regulations. The first paragraph begins as follows:

In order to promote the national interest by assuring that persons who support the world Communist movement of which the Communist Party is an integral unit, may not through use of United States passports further the purpose of that movement, no passport except one limited for direct and immediate return to the United States shall be issued to—

and it names three classifications of persons. One is members of the Communist Party or, rather, paragraph (c) is as follows:

Persons regardless of the formal state of their affiliation with the Communist Party as to whom there is reason to believe on the balance of all the evidence that they are going abroad to engage in activities which will advance the Communist movement for the purpose knowingly and willfully of advancing that movement—

in other words, that is the class to which passports shall not be issued.

Now, my question is: Did you intend to deceive the State Department by the statements you swore to on your application in order that

they not have an opportunity to consider your case under rule (c) which I have just read?

Mr. HARDYMAN. I am refusing to answer this question for the reasons already cited.

Mr. TAVENNER. You very well knew, did you not, Mr. Hardyman, that if you had told the State Department the truth, you would not have been granted a passport by reason of this very provision which I have read?

Mr. HARDYMAN. I am refusing to answer that question for the reasons already cited.

Mr. SCHERER. Mr. Chairman, it is obvious that a fraud was perpetrated on the State Department, that false statements were made in this witness' application for a passport. In view of that I think this is one of those cases that should be referred to the Department of Justice to determine whether or not denaturalization proceedings should be commenced under the law. I will so move when the committee is in executive session.

Mr. DOYLE. Very well, Mr. Scherer.

Mr. TAVENNER. Did you serve on a special committee in the peace conference held at Peking known as the Korean Committee or Korean Commission?

Mr. HARDYMAN. I am refusing to answer this question for the reasons already cited.

Mr. TAVENNER. Did you make a speech for purposes of broadcast from Communist China to the United States on the subject of that conference?

Mr. HARDYMAN. This question, too, in the same area, I am refusing to answer for the reasons already cited.

Mr. TAVENNER. Was there a broadcast from Communist China to Iron Curtain countries and other parts of the world recording a speech which you made on or prior to November 2, 1952?

Mr. HARDYMAN. This question I am refusing to answer for the reasons already cited.

Mr. TAVENNER. Mr. Chairman, the staff in the course of this investigation has procured from the State Department a recording of a talk made by Hugh Hardyman, American delegate to the Asian and Pacific Peace Conference, which I desire to introduce in evidence and ask that it be marked "Hardyman Exhibit No. 4," for identification only.

Mr. DOYLE. Do I understand this is his voice over in China?

Mr. TAVENNER. I don't know. It is a recorded talk by Hugh Hardyman. That is all I can say.

Mr. DOYLE. It will be so received and so marked.

Mr. TAVENNER. I believe upon looking further at the article that your question is answered by a part which I will read.

Text (announcer): Today we bring you another in our series of recorded talks by delegates to the recent Asian and Pacific Peace Conferences held in Peking. At this time we bring you a statement by the deputy leader of the United States delegation, Hugh Hardyman. Mr. Hardyman is a journalist and a retired fruit-grower from the State of California. Now here is Mr. Hardyman. (Hardyman)—and then the speech continues. So I will not take the time to read in its entirety.

Mr. SCHERER. Was that an original speech made in China?

Mr. TAVENNER. Yes, sir; and broadcast from Communist China.

Mr. SCHERER. What year?

Mr. TAVENNER. November 2, 1952, or November 3, 1952. I am not certain which.

Mr. SCHERER. We had boys fighting in Korea against the Chinese at the time, did we not?

Mr. TAVENNER. Yes, sir.

Mr. DOYLE. Let me ask this as to the dates. Weren't the Chinese Communists attacking United States and United Nations troops in South Korea at that time?

Mr. SCHERER. That is what I said.

Mr. SCHERER. We were at war with Communist China.

Mr. DOYLE. Are you ready to proceed, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

I quote from page AAA-19.

Mr. JACKSON. May I interrupt? Might it not be well to let the witness look at it and see if he objects to it as not being his speech, or cares to make any statement on it before it is quoted?

Mr. TAVENNER. All right, sir.

Mr. HARDYMAN, I hand you Exhibit No. 4 and offer you the opportunity of examining it and stating whether or not it appears to be an address made by you.

Mr. SCHERER. What were our total casualties in Korea?

Mr. JACKSON. 26,000 dead.

Mr. WHEELER. 140,000 total.

Mr. TAVENNER. Will you answer the question, please, sir?

Mr. HARDYMAN. I am not answering any questions in this area for the reasons which I have already cited, the 1st, 4th, 5th, 9th, and 10th amendments.

Mr. TAVENNER. You mean you refuse to answer?

Mr. HARDYMAN. I refuse to answer.

Mr. TAVENNER. For the reasons you have previously given?

Mr. HARDYMAN. Correct.

Mr. TAVENNER. Mr. Chairman, I will read only a few short portions:

At no point in all the hundred speeches delivered in the plenary sessions of the conference, nor even in the long sessions of the commission on the question of Korea in which this speaker took part was there a single expression of hatred or enmity toward the American people. The conference condemned vigorously the actions by our Government, especially the use of biological warfare for the spreading of disease in Korea and northeast China.

Mr. SCHERER. Is this from this man's speech?

Mr. TAVENNER. Yes. [Reading.]

A careful study of the report of the International Scientific Commission and the extensive collection of evidence on exhibition here, including the handwritten testimony of 4 of our pilots and the tape records of their voices, have left not the slightest doubt in the minds of any delegates to this conference, including the 14 delegates from the United States, that our Government has used this revolting method of warfare on a wide scale but the blame for this crime against mankind was never once placed on us, the American people.

Mr. Hardyman, did you make that statement for the purpose of broadcast to the Iron Curtain countries?

Mr. HARDYMAN. In view of the reasons already cited, I am not answering, I am not answering that question, I am refusing to answer that question.

Mr. JACKSON. May I say, Mr. Chairman, I think that is one of the most reprehensible statements I have ever heard from a citizen of the United States, natural born or foreign born.

Mr. DOYLE. Of course it is known to be false. The President of the United States and heads of our military departments on several occasions affirmed that there was no such use of military power on the part of the American troops or United Nations troops.

Mr. SCHERER. Of course the record is abundant with the torture that American boys were subjected to by the Communists in order to gain such confessions. Everybody can read.

Mr. DOYLE. I want to say that, as a member of the Armed Services Committee of the United States Congress and as an American Congressman, I resent the dastardly lie it is.

Mr. TAVENNER (continuing):

Delegates of all countries from Japan to Syria recognized we were ignorant of the action ordered by our Government, and that we were kept in ignorance by the administration. The belief was repeatedly expressed that if the American people knew the true facts of the conduct of the Korean war they would insist upon an immediate change of Government policy.

Mr. DOYLE. I think my colleagues know I was in Korea myself as a member of the Armed Services Committee.

Mr. SCHERER. Isn't that part of the speech giving aid and comfort to the enemy? That is treason.

Mr. TAVENNER. I read another paragraph:

No one can say for how long the peoples of the Pacific regions will continue to hold us guiltless of the actions of our Armed Forces. If we continue to allow our Government to export disease and death to Asia and machines for the destruction of lives to both Asia and Latin America, the time must come when not merely the Government officials but the people who elect those officials will be held responsible by the majority of the people in the world for these crimes against humanity.

I will read another paragraph relating to propaganda use of germ warfare by the United States as stated by this witness, according to the record of it received from the State Department.

Mr. DOYLE. You mean the United States Department of State?

Mr. TAVENNER. Yes. [Reading:]

But if we continue to spread anthrax and the plague to rearm the very Fascists of Germany and Japan which promoted the World War II in the name of anticommunism and to support the colonialism in Southeast Asia and Latin America, there is grave danger that we may reach before long the point of no return.

Mr. Hardyman, do you think that you could have obtained a passport to make those utterances from Communist China under provision (c) of the regulations which I read you about denying the right of passport to persons going abroad to engage in activities which will advance the Communist movement?

Mr. HARDYMAN. For the reasons already cited I refuse to answer that question.

Mr. SCHERER. If I was in the position of this witness I think I would refuse to talk too.

Mr. JACKSON. May I ask a question, Mr. Chairman?

Mr. DOYLE. Yes.

Mr. JACKSON. Have you served in the Armed Forces of the United States?

Mr. HARDYMAN. No.

Mr. JACKSON. Was there any particular reason why you did not? Were you too old for service in World War II?

Mr. HARDYMAN. Too young in World War I, too old in World War II.

Mr. JACKSON. Did you perform any voluntary service during the war in this country for the Red Cross or Community Chests?

Mr. HARDYMAN. I had 25 hours a week of voluntary service.

Mr. JACKSON. Was this before or after abrogation of the Nazi-Soviet nonaggression pact?

Mr. HARDYMAN. During the war, when the United States was engaged in a war to end fascism.

Mr. JACKSON. With which side in the Korean conflict were your sympathies, Mr. Hardyman—with the United States and the United Nations, or with the North Koreans and Chinese Communists?

Mr. HARDYMAN. My sympathies were with the dead on both sides, sir.

Mr. JACKSON. More specifically, were your sympathies more with the dead on one side than the other?

Mr. HARDYMAN. The human dead in the Korean war, both Korean and American to me is life's tragedy.

Mr. JACKSON. Did you approve of United Nations policy with respect to Korea?

Mr. HARDYMAN. No, sir.

Mr. JACKSON. Did you approve of the Chinese entry into the war on the side of the North Koreans?

Mr. HARDYMAN. Would you restate that question in accordance with facts?

Mr. JACKSON. Yes; I will restate the question exactly as it happened and quite factually. In June 2, 1950, the North Koreans attacked across the 38th parallel; they were joined in due course some months after by the Chinese Communists. Did you approve of the entry of the Chinese Communists into that engagement with the high regard you have for human life on both sides?

Mr. HARDYMAN. Would you restate your question in accordance with the facts, sir?

Mr. JACKSON. Did you approve of the entry of the Chinese Communists into the war in Korea? That is a historic fact.

Mr. HARDYMAN. I decline to answer a question so phrased, sir.

Mr. JACKSON. Very well, I was sure you would.

Mr. MOULDER. In the event of an attack upon our country, the United States of America, by Soviet Russia, would you join in the defense of our country?

Mr. HARDYMAN. In the event of the invasion of the United States I would favor throwing the invaders out by every man, woman and child in the United States. I am opposed to the invasion of any country by the armed forces of another country. I would advocate defense of the United States.

Mr. MOULDER. In the event we were engaged in war with Soviet Russia would you be willing to serve in our Armed Forces in such a struggle?

Mr. HARDYMAN. If any country were to invade this country—

Mr. SCHERER. He is not talking—

Mr. WIRIN. He is answering the question.

Mr. HARDYMAN. I would be willing to share in the armed defense of this country no matter who the invaders happened to be.

Mr. SCHERER. Will you yield?

Mr. MOULDER. Yes.

Mr. SCHERER. Suppose we were engaged in a war with Soviet Russia and they did not invade the United States. What would your answer be?

Mr. HARDYMAN. I am afraid your question is too iffy to be answered.

Mr. SCHERER. I noticed you qualified your answer on both occasions by saying if they invaded the United States.

Mr. DOYLE. I have no question of the witness. I haven't words with which to phrase a question to meet this sort of dastardly false attack upon the military policy of the Nation which gave you citizenship. I am ashamed of you.

Mr. TAVENNER. Was it a part of the propaganda plan created at this peace conference or indicated in any other place that you should go to any other Iron Curtain countries and also broadcast from there?

Mr. HARDYMAN. I am refusing to answer this question along with others in the like area for the reasons already cited.

Mr. TAVENNER. Did you travel to Poland?

Mr. HARDYMAN. I am refusing to answer this question like the former ones in the same area for the reasons already cited.

Mr. TAVENNER. The conference that I have referred to occurred in October 1952. As late as March 8, 1953, were you in Prague?

Mr. HARDYMAN. I am refusing to answer questions in that area, Mr. Counsel, for the reasons already cited.

Mr. SCHERER. See if we can't get out of this area and see if he will answer questions.

Mr. WIRIN. Good idea.

Mr. JACKSON. Would the Chair direct counsel to refrain from gratuitous comments which seem to be a regular habit of his.

Mr. SCHERER. Which are contrary to the rules of the committee. He has been in contempt of the committee all afternoon. He knows the rules.

Mr. DOYLE. Please give us your full cooperation.

Mr. WIRIN. I will, but you have no right to comment upon the testimony of the witness. You are not a court. The Supreme Court said you are not a court in these decisions.

Mr. JACKSON. Mr. Wirin is in violation of the rules and I ask that he be instructed to refrain.

Mr. DOYLE. Please, Mr. Wirin.

Mr. WIRIN. I shall exercise self-restraint and I hope members of the committee do also.

Mr. DOYLE. I think I exercised a good deal of restraint in hearing what your witness had done.

Mr. WIRIN. You are not a court. I shall not say any more.

Mr. DOYLE. Thank you.

Mr. TAVENNER. Were you in Poland on November 28, 1952?

Mr. HARDYMAN. I am refusing to answer this question for the reasons already cited.

Mr. TAVENNER. Did you take part in a broadcast from Warsaw in English to North America on November 24, 1952?

Mr. HARDYMAN. For the reasons already cited, I am refusing to answer this question.

Mr. TAVENNER. Mr. Chairman, the staff during the course of the investigation has procured from the State Department a record of a broadcast on November 24, 1952, from Warsaw which I desire to introduce in evidence and request that it be marked "Hardyman Exhibit No. 5."

Mr. DOYLE. It will be so marked and so received.
(The exhibit referred to is as follows:)

HARDYMAN EXHIBIT No. 5

- FF 1 -

P O L A N D

Nov. 28, 1952

AMERICAN PEKING DELEGATES INTERVIEWED

Warsaw, in English to North America, Nov. 24, 1952, 1215 GMT--E

(Summary with Quotations)

We are at Warsaw's famous Bristol Hotel and with us is a guest from America; he is Mr. Hugh (Hardiman) of Los Angeles, retired fruit grower of Southern California and independent journalist. He has just returned from Peking where he attended the peace conference of the Asiatic region as a delegate of peace-loving American people.

Mr. (Hardiman): "The delegates to the great Peking Peace Conference have been privileged to see a strong people rejoicing in their strength. Only the incredibly rotten (rulers) of the past 130 years have kept so many of the Chinese people poor. Today, under the Communist Government, the people are beginning to enjoy the immense wealth of their country so that in 3 years the purchasing power of the average peasant has increased by 70 percent.

"For the first time the 400 million farmers of China have enough food to eat and clothes to wear. For the city worker hunger and unemployment are things of the past, while the future holds brilliant promise. Great housing projects are rising in the suburbs of every city replacing the ancient slums. In 4 months the (Fiery Yong) villa at Shanghai was built of solid brick and soil rehousing 5,000 people. The workers' housing project at Mukden is taking 5 months to complete for 15,000 people.

"In every city the story is the same; thousands of new homes (are seen) outside Peking, Nanking, (Pangchan), Suchow, Tientsin, and Hangchow. In city and country the people see their hopes for a better life being realized day by day. And it is not only the young people, but often those in middle life, who sing as they walk down the street.

"Sure of themselves, people could and did trust strangers. To them we were people and people were friendly. We were symbols of peace and peace was a joyful thing. They would seize our hands and laugh and cry saying long live world peace, dancing up and down, up and down, with irresistible gaiety until we dragged our hands away leaving our hearts behind."

- FF 2 -

POLAND
Nov. 28, 1952

At the conference in Peking delegates from every country in Asia, except Afghanistan and Nepal, and from the Latin American countries from Mexico to Chile, met. For the first time excited people from both sides of the Pacific came together and "found absolute unity in their desire for freedom from economic exploitation and political interference. National independence with trade and diplomatic exchange on an equal basis--with emphasis on the word equal--is what these 1,600 million people want. They abhor the rearmament of Japan and the unequal treaty on which that remilitarization is based.

"With one voice these leaders of various faiths and diverse political parties condemned the monstrous killing of Koreans, of Malaysians, of Vietnamese, by invading armies of the profit-seeking West. None doubted that the cause of all this slaughter and grief again is the cheap labor and rich land of peoples who once were weak. Nor did any delegates believe that the old oppression could long endure in those countries not yet free or be reimposed on people such as the Vietnamese who have declared their independence and are defending their liberation by force of arms. The conference was an assertion of the unity of the former colonial peoples of two continents, unity for a program of peace and freedom for all.

"No bacterial horror, no hydrogen bombs, will defeat the people united to the last man in the determination to be free and to defend their freedom. For the people of the streets of Peking and the villagers and workers in factories a thousand miles from the capital there is one message they would like carried to the people of the United States. They want peace. Tell the American people we are friends, they said again and again, tell them that we have our independence, at last, and that we are making a better life."

Anita Willcox Speaks

Warsaw, in English to North America, Nov. 25, 1952, 1215 GMT--E

(Interview with Mrs. Anita Willcox, who is returning from the Peking Peace Conference of the Asian and Pacific Regions)

(Text)

With us, before the mike, is a guest from America. She is Mrs. Anita Willcox of New York City, artist, mother of five children, and an enthusiastic fighter for peace. Mrs. Willcox is on her way back to the United States from Peking where she attended the Peace Conference of the Asian and Pacific Regions as a delegate of peace-loving American people.

Announcer: "How do you like Warsaw?"

Mr. TAVENNER. Are you personally acquainted with an individual by the name of Dr. John A. Kingsbury?

Mr. HARDYMAN. For reasons already stated, I am declining to answer that question, refusing to answer that question.

Mr. TAVENNER. Mr. Chairman, I desire to introduce in evidence a photostatic copy of page 4 of the December 24, 1952, issue of the Daily People's World. I will read a paragraph appearing there:

Los Angeles report on Asia peace met January 8. A first report on the Peking peace conference of Asia and the Pacific regions will be made to Southern Californians Tuesday, January 8, the Southern California Peace Crusade announced

today. Hugh Hardyman, veteran journalist and vice chairman of the American delegation to the Asian conference, will make the formal report of conference proceedings in the meetings set for the Embassy Auditorium.

Did you take part in making of such a report, Mr. Hardyman, at the instance of the Southern California Peace Crusade?

Mr. HARDYMAN. I am refusing to answer that question for the reasons already cited.

Mr. TAVENNER. May the document be introduced, Mr. Chairman, and marked "Hardyman Exhibit No. 6," for identification only.

Mr. DOYLE. It will be so received and so marked.

Mr. TAVENNER. Mr. Chairman, I also offer in evidence a photostatic copy of page 6 of the January 7, 1953 edition of the Daily People's World which has in a block column the following statement:

Report from Peking by Hugh Hardyman, journalist, just returned from Peking, China. Dr. John A. Kingsbury, former member New York State Health Commission, recently traveled throughout New China. Thursday, January 8, 8 p. m., Embassy Auditorium, auspices of the Southern California Peace Crusade.

I request that it be marked "Hardyman Exhibit No. 7," for identification only.

Mr. DOYLE. It will be so received and so marked.

Mr. TAVENNER. You declined to answer whether or not you knew Dr. Kingsbury, so I desire to offer in evidence a photostatic copy of page 6, January 12, 1953, edition of the Daily People's World. The caption of the article I have reference to is "Hardyman tells of New China's might." The article proceeds to describe or to narrate your statements there. Then the last half of the article is related to Dr. Kingsbury and the Reds as follows:

Dr. KINGSBURY. Toward communism their attitude is one of encouraging cooperatives and credit unions of all kinds with the aim of achieving a Socialist China after a period of time possibly as much as 35 or 40 years. Beyond that the Government hopes for communism, the leaders of the government are Communists. Peter Hyun, executive director of the Southern California Peace Crusade, chaired the meeting. Dr. John A. Kingsbury, former member of the New York State Health Commission, who helped prepare the advance agenda for the Peking Peace Conference, told of the preliminary deliberations.

You were there and took part in that program, according to this article in the public press. Were you there and did you take part in that program?

Mr. HARDYMAN. For the reasons already cited, I am refusing to answer this question.

Mr. TAVENNER. Will you tell the committee, please, what part Dr. Kingsbury played in the preparation of the advance agenda of this so-called peace conference in China?

Mr. HARDYMAN. I am refusing to answer that question for the reasons given already.

Mr. TAVENNER. Did you play any part in the preparation of the advance agenda?

Mr. HARDYMAN. That question too, like the preceding question, I am refusing to answer for the grounds already cited.

Mr. TAVENNER. Did Peter Hyun, the executive director of the Southern California Peace Crusade, have any part in arranging for your trip to China or arranging for the agenda of that meeting?

Mr. HARDYMAN. I am refusing to answer this question for the reasons given already.

Mr. TAVENNER. Do you know whether or not Peter Hyun was a member of the Communist Party at the time he was executive director of the Southern California Peace Crusade?

Mr. HARDYMAN. This question too I am refusing to answer for the reasons already cited.

Mr. TAVENNER. I desire that document be marked "Hardyman Exhibit No. 8," for identification only.

Mr. DOYLE. It will be so received and so marked.

Mr. TAVENNER. I hand you a pamphlet entitled "Report from China," by Hugh Hardyman, price 10 cents. Will you examine it, please.

(Document handed to witness.)

Mr. TAVENNER. Are you the author of that pamphlet?

(The witness conferred with his counsel.)

Mr. HARDYMAN. For the reasons already given, I am refusing to answer that question.

Mr. TAVENNER. I desire to offer the document in evidence, Mr. Chairman, and ask that it be marked "Hardyman Exhibit No. 9," for identification only.

Mr. DOYLE. It will be so received and so marked.

Mr. TAVENNER. I desire to read the cover sheet. From the cover sheet appears a biography of Mr. Hugh Hardyman, during the course of which appears this language:

He was one of 16 delegates from the United States to the Peace Conference of the Asian and Pacific regions in Peking October 2 to 10, 1952. After the conference he traveled 3,000 miles through China, visiting cities and villages from Shinyang (Mukden) in the northeast to Hangchow and Shanghai.

On the back of the pamphlet appears in block form:

Additional copies from Southern California Peace Crusade, 326 west Third Street, room 310, Los Angeles 13, Calif.

Mr. Chairman, there is no date on it.

Did the Southern California Peace Crusade publish this report and disseminate it?

(The witness conferred with his counsel.)

Mr. HARDYMAN. I am refusing to answer that question on the grounds and for the reasons already given, still in the same area.

Mr. TAVENNER. You have told the committee of your support, if I understood you correctly, membership and affiliation with the Southern California Peace Crusade. Was it a branch or affiliate of the American Peace Crusade?

Mr. HARDYMAN. I think it was an independent organization locally, although it cooperated with the American Peace Crusade. It was so far as I know completely independent in operation, planning, meetings held, and finances and so on.

Mr. TAVENNER. Mr. Chairman, I have seen a document on that subject which I am having forwarded to me from Washington and it should arrive before we leave San Diego. I will not comment on it but I will want to put it in evidence and I make reference to it here so it may easily be found by any one interested when they look at the San Diego hearings.

Mr. DOYLE. Very well.

Mr. TAVENNER. Were you one of the initial sponsors of the American Peace Crusade?

(The witness conferred with his counsel.)

Mr. HARDYMAN. I am sorry, I can't remember. I don't know. It is possible, but I don't know.

Mr. TAVENNER. Mr. Chairman, I have before me a letterhead of the American Peace Crusade under date of February 25, 1953, which has on its margin a list of initial sponsors.

Mr. WIRIN. May we see it, Mr. Tavenner.

Mr. TAVENNER. And Mr. Hugh Hardyman's name appears on that list. I hand the document to the witness and ask him if the letterhead refreshes his recollection.

Mr. HARDYMAN. I would think it very likely that I was one of the initial sponsors, I am certainly not denying it, I just don't happen to remember any specific occasions on which my sponsorship began.

Mr. TAVENNER. The reference to the document does not refresh your recollection, then, is that correct?

Mr. HARDYMAN. It does not refresh my recollection. Seeing the name there and seeing the list, I would expect it to be accurate.

Mr. TAVENNER. Your name does appear there on the letterhead as one of the initial sponsors.

Mr. HARDYMAN. Yes, and I would assume that to be correct, but memory is at fault there.

Mr. TAVENNER. Did you engage in a movement initiated by the American Peace Crusade to bring the American soldiers home from Korea?

(The witness conferred with his counsel.)

Mr. HARDYMAN. Have you a document of some kind which would narrow this thing down a little bit.

Mr. TAVENNER. Let me ask you first to answer the question.

Mr. HARDYMAN. The question is rather too broad a question. If you narrow it down a bit I may know more what you are talking about.

Mr. TAVENNER. Very well, sir.

Mr. HARDYMAN. But I will say this: From the time the first Americans went to Korea until the last came back—and they aren't all back yet—I have been in favor of bringing them all home as quickly as physically possible.

Mr. TAVENNER. Were you one of the initial sponsors of a movement by the American Peace Crusade entitled "Let the People Speak or Peace," the purpose of which was to "Bring our boys home from Korea and make peace with China now," as appears from the top of the document. Do you see your name there?

(The witness conferred with his counsel.)

Mr. WIRIN. May we look at the document?

Mr. HARDYMAN. My assumption on seeing this document, sir, is that I am quite properly cited as a sponsor. I certainly am wholly in sympathy with what I see proposed here. Peace in Korea and let us negotiate peace with China. This had I been asked to sign, I would have done and I expect I was and did with enthusiasm and undoubtedly gave all possible aid that I could to the promotion of such a program.

Mr. TAVENNER. Who secured your sponsorship of that document?

(The witness conferred with his counsel.)

Mr. HARDYMAN. I am refusing to answer that question, sir, for the reasons already given, the amendments to the Constitution already cited.

Mr. WIRIN. Mr. Chairman, how long do you go as a rule? I wasn't here yesterday afternoon.

Mr. DOYLE. Until 5 or 5:15, we hope. It may be longer tonight. May I ask one question while you are getting ready, Counsel?

Mr. TAVENNER. Yes.

Mr. DOYLE. Mr. Witness, a few minutes ago you said—I am sure it is almost the exact words—that you were in favor of bringing the American boys home from Korea as soon as physically possible. Do you remember so saying?

Mr. HARDYMAN. I do.

Mr. DOYLE. As I think of your answer I am realizing that it would have been physically possible to have brought the American boys home at most any time and let the Chinese Communists and the Soviets take all of South Korea as they pleased. I think that was true, wasn't it? I mean it wouldn't have been a difficult matter for the American military to back out of South Korea and leave the few United Nations troops that were there and come on back home. That would have been physically possible.

Mr. HARDYMAN. I believe, sir, we could arrange even now for all foreign troops to be brought out of Korea on both sides.

Mr. DOYLE. I noticed your wording. You stated as soon as physically possible.

Mr. HARDYMAN. That is right.

Mr. DOYLE. I take it therefore you meant in your answer that you were advocating then—at least that was your voluntary answer, the effect of your answer in my mind is that you were in favor at that time of the American troops coming home and let the Chinese Communists take over South Korea if they wanted to. Is that what you intended?

Mr. HARDYMAN. I would have brought all American troops home if I could have made a deal with any other country that had troops there to get their troops out at the same time.

I would make that deal, too. I would like to get all foreign troops out of other countries. I think we could do it sir, if you pressed for it in Congress.

Mr. DOYLE. I interpreted your answer—I don't want to misjudge you—I interpreted your answer that you were quite willing to have American troops come home and United Nations troops get out—you didn't qualify your answer by saying provided other nations would get their troops out of there, too.

Mr. HARDYMAN. That is true, sir; I did not.

Mr. DOYLE. You intended, I suppose, for the committee to understand you favored American troops getting out of there and letting Chinese Communists take over?

Mr. HARDYMAN. I would favor getting the Chinese out, too.

Mr. DOYLE. You answered the way you intended to. You intended me to understand that you favored American troops backing out of South Korea and letting the Chinese Communists conquer South Korea?

Mr. HARDYMAN. I would prefer, sir, we would make an arrangement whereby all foreign troops would be withdrawn, but failing that, if that were not possible, I would still favor withdrawing of our own so

that we are not taking men equipped with killing machinery into the lands of other people.

MR. DOYLE. And that would have resulted in Chinese Communists capturing all of South Korea, wouldn't it, if we had backed our troops out of there?

MR. HARDYMAN. I am no prophet on what would have resulted, sir.

MR. DOYLE. You don't have to be a prophet to know the answer to that question. In other words, you were favoring, as I interpret your answer—correct me if I am in error—you favored at that time United Nations troops and American troops getting out of there and letting Soviet Russia and Chinese Communists take over South Korea?

MR. HARDYMAN. Now you are adding something there. No one has so far as I know until you brought it up, dragged Soviet Russia into Korea yet.

MR. DOYLE. I was in Korea and I learned that there were a good many Russian commanders over there helping the Chinese Communists, no question about that.

MR. HARDYMAN. I don't know that, sir.

MR. DOYLE. I was there in Korea.

MR. SCHERER. We don't need to depend upon his answer. All we have to—

MR. DOYLE. The record shows that.

MR. SCHERER. We have just to remember what he said when he was behind the Iron Curtain, and giving aid and comfort to the enemy.

MR. DOYLE. His answer to me, as I understand it, would be to favor the spread of Chinese communism in South Korea.

MR. SCHERER. Certainly.

MR. JACKSON. That is Soviet peace. You overlook the fact that when you have Soviet peace, everybody gets out except the Soviets. It is exactly what the Southern California Peace Crusade did, exactly what the Stockholm Peace Appeal did and all the rest of the phony petitions on peace.

MR. WIRIN. We are here to answer questions and not listen to speeches.

MR. JACKSON. You are here to advise your client on his constitutional rights.

MR. WIRIN. I am not here to listen to speeches.

MR. SCHERER. Counsel was warned repeatedly yesterday and today. I ask that he be instructed to leave the room.

MR. DOYLE. Well—

MR. SCHERER. I so move. He has continually violated the rules of this committee. He knows better. He has been warned, and I have told him I thought he was in contempt of this committee. His conduct is certainly contemptuous and we are either going to run these hearings or the lawyers who represent some of these witnesses will run this committee. I move that he be ordered to leave the room.

MR. JACKSON. I am very pleased to second that motion.

MR. DOYLE. What do you say, Mr. Moulder?

MR. MOULDER. I vote present.

MR. DOYLE. I heard your motion and I heard the second to it, but—

MR. MOULDER. Let's proceed with the hearing.

Mr. DOYLE. I am not going to comply with your motion at this time. I feel that Mr. Wirin must surely desist in the violation of the committee rules.

Mr. JACKSON. Your judgment is usually very good, Mr. Chairman, but I would not be in accord with you in that baseless assumption.

Mr. SCHERER. I respectfully object, Mr. Chairman, to the ruling of the Chair.

Mr. DOYLE. There is good evidence to the fact that Congressmen sometimes honestly disagree.

Mr. JACKSON. May I continue, the Chair having made its ruling. I had gotten as far as the Stockholm Peace Appeal. We have seen a number of these phony Soviet-inspired peace appeals spring up from time to time in Los Angeles, in New York, Peking, Stockholm, the Waldorf Astoria, New York. I think that if nothing else has been done but to drive a few coffin nails into the Red-inspired and Red-dominated Southern California Peace Crusade, its backing and its ultimate goals, then this hearing has accomplished more than we could possibly hope for.

Mr. WIRIN. Am I to keep quiet?

Mr. JACKSON. Yes, you are. If you are going to remain in the room you are going to keep quiet.

Mr. WIRIN. Silence is not contempt.

Mr. JACKSON. As long as it is silence, call it what you will.

Mr. SCHERER. I renew my motion.

Mr. WIRIN. May I address the Chair?

Mr. DOYLE. No.

Mr. SCHERER. I ask for a vote on my motion, Mr. Chairman.

Mr. DOYLE. I will entertain the motion. I have to, naturally. Mr. Moulder?

Mr. MOULDER. Aye.

Mr. DOYLE. Aye.

Mr. JACKSON. Aye.

Mr. SCHERER. Aye.

Mr. DOYLE. The motion is carried.

Mr. WIRIN. What about my client?

Mr. DOYLE. We will have to give him an opportunity to have another lawyer. He is entitled to legal counsel.

Mr. JACKSON. So far as I am concerned, and based on the amount of information we have obtained from this witness, his attorney can take him with him.

Mr. TAVENNER. Mr. Chairman, of course the committee is not fully aware of the preparation made by the staff and there are a few vital questions to ask this witness, and I suggest that in light of what has happened, that I be permitted to ask those questions tomorrow morning.

Mr. JACKSON. I certainly have no objection.

Mr. TAVENNER. At which time the committee could consider whether Mr. Wirin will come back with his client or whether the witness will bring other counsel.

Mr. DOYLE. Very well.

What is your wish about the recess of the committee?

Mr. TAVENNER. What I am saying is I do not think I should ask these questions of the witness without his having counsel.

Mr. DOYLE. That is true. We don't want the witness asked any questions without a counsel being present.

Mr. TAVENNER. So therefore I suggest that it go over until tomorrow morning and that the committee rule on whether it shall permit Mr. Wirin to come back in the morning, which I hope the committee will do because he is prepared on the matter and another counsel may not feel prepared.

Mr. MOULDER. Do you intend to call another witness this afternoon?

Mr. TAVENNER. No, sir.

Mr. MOULDER. I move we adjourn.

Mr. JACKSON. Second.

Mr. DOYLE. The committee will recess until tomorrow morning, and Mr. Hardyman will continue under subpoena. We will convene at 9 o'clock in the morning.

(Whereupon, at 5 p. m. the committee was recessed, to reconvene at 9 a. m. the following day, Wednesday, June 29, 1955.)

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